



# CROSCOMBE PARISH COUNCIL

## Co-Option Policy & Procedure

Adopted by resolution of full council: 16 Sep 2020

References:

- A. National Association of Local Councils Legal Briefing L15-08, "GOOD PRACTICE FOR SELECTION OF CANDIDATES BEING CO-OPTED TO A LOCAL COUNCIL", 23 Jul 2008
- B. Local Government Act 1972
- C. The Local Elections (Parishes and Communities) (England and Wales) Rules 2006
- D. Representation of the People Act 1983
- E. Audit Commission Act 1998.
- F. LOCAL (PARISH AND TOWN) COUNCIL ELECTION COSTS, NALC Jan 2011
- G. The Local Elections (Declaration of Acceptance of Office) Order 2012

### 1. Introduction

1.1 When a casual vacancy of an office in a local council arises due to resignation or other reason, the council must give public notice of the vacancy. A local council is *not required* to give public notice of vacancies in offices of the council arising from an insufficient number of candidates at an ordinary election, but in accordance with Reference A guidance Croscombe Parish Council will always notify such vacancies.

### 2. Notification

2.1 Croscombe Parish Council will notify the Mendip District Council returning officer of a casual vacancy, who will assist in the preparation of the statutory public notice of vacancies. Reference B requires that the notice is:

- Advertised as soon as practicable after a vacancy occurs;
- Displayed in some conspicuous place or places within the area of Croscombe Parish Council. This includes as a minimum Village Notice Boards, but may include any convenient and conspicuous location suitable for affixing such a notice;
- Displayed in such other manner, if any, as appears to Croscombe Parish Council to be desirable for giving publicity to the notice. This includes websites, social media, and community venues.
- Reference C requires that the notice provides 14 clear days' notice, excluding a Saturday, Sunday, Christmas Eve, Christmas Day, Good Friday, a bank holiday, or any day appointed for public thanksgiving or mourning.

### 3. Election called by 10 or more electors in Parish



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3.1 In the event that following the advertisement of casual vacancies an election (properly referred to as a “by-election”) is called for by 10 or more electors from the parish, no co-options can take place. The remaining councillors will continue until a by-election for the vacancies can be staged<sup>1</sup>. It should be stressed that if a by-election is called it is ONLY for the vacancies arising from resignations etc., and NOT the entire council; the non-vacant councillor position holders continue in office until the next scheduled full election<sup>2</sup>.

### 4. Co-Option in event of no election being required.

4.1 Reference C requires Croscombe Parish Council to fill the casual vacancy as soon as practicable after the elapse of the 14 working day (excluding public holidays) notice period, in the event that no by-election is required. Co-Option will normally be conducted at the next planned Parish Council meeting, but an Extraordinary Meeting may be called if considered expedient. Co-Opted councillors remain in office alongside originally elected Councillors until the next scheduled full election, whereupon all seats are vacated and re-competed.

### 5. Eligibility of Co-Option candidates

5.1 Reference B describes the eligibility for candidates, which is identical to that for a candidate in a full election or by-election, as being that on the day of co-option:

- Be over 18;
- Be a United Kingdom, Commonwealth, Republic of Ireland, or a European Union Citizen;
- Must Meet One of the following:
  - On the Croscombe electoral roll, or;
  - An occupier of land or premises in Croscombe parish for at least the whole of 12 months preceding the date of co-option, or;
  - Has a principle or only place of work in Croscombe parish for at least the whole of 12 months preceding the date of co-option, or;
  - A resident of Croscombe parish, or within a 3 mile radius of the boundary, for at least the whole of 12 months preceding the date of co-option.
- Must not meet any one of the following:
  - They are employed by the parish council.
  - They are the subject of a bankruptcy restrictions order or interim order.
  - They have been sentenced to a term of imprisonment of three months
  - or more (including a suspended sentence), without the option of a fine,
  - During the five years before the day of their application.

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<sup>1</sup> At time of writing, earliest opportunity for a by-election under COVID-19 restrictions will be 6<sup>th</sup> May 2021.

<sup>2</sup> At time of writing, next scheduled full election expected to be May 2023.



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- They have been disqualified under Reference D (which covers corrupt or illegal electoral practices and offences relating to donations) or under Reference E.

### 6. Co-option

6.1 Although the process for co-option is not prescribed in law it is important that all applicants be treated alike so that the arrangements are seen as open and fair. The co-option process adopted by Croscombe Parish Council is as follows:

- 6.1.1 The Parish Council will advertise the vacancy (or vacancies) on the Parish Council noticeboards, on the website and social media.
- 6.1.2 The notices will include:
  - A contact point so that people considering putting their names forward for co-option can obtain more information on the role of a parish councillor;
  - A description of the co-option process;
  - The closing date for all expressions of interest;
  - The date on which the Parish Council intends to make a decision.
- 6.1.3 It is permissible for Parish Councillors (or any parishioner) to approach individuals to suggest that they might wish to consider putting their names forward for co-option. Candidates expressing an interest will be sent an "Information Pack" containing:
  - 6.1.3.1 An 'Application for Co-option' form (see appendix 2) which has on page 1 a declaration of eligibility, and on page 2 space to provide in no more than 200 words a narrative from the candidate explaining why they wish to be a Councillor, and what they consider they can contribute. It may be helpful for the applicant to reference the person specification at Annex 1. Anonymised versions of the application form narrative, simply identified as "candidate A, B etc." may be published by the Council ahead of the co-option meeting;
  - 6.1.3.2 A current Copy of the "Good Councillor guide" will be made available to candidates as so that candidates may acquaint themselves with the current expectations and likely commitments, which may have changed in recent years if potential candidates have previously been involved with Parish Councils prior to reforms;
  - 6.1.3.3 A current copy of the CPC adopted Code of Conduct for councillors, by which councillors will be required to comply and may be subject to investigation by MDC if a breach is alleged;
  - 6.1.3.4 A Declaration of Acceptance of Office form (from Schedule to Reference G);
  - 6.1.3.5 A Declaration of Pecuniary & Personal Interests form (which will be published on the MDC and CPC websites if appointed).



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- 6.1.4 When an application is received, the Parish Council (or the Clerk to the Parish Council) will review the application, check that the individual meet the qualification requirements, and confirm that, if successful, they would be willing to accept the Code of Conduct and other obligations of a Parish Councillor
- 6.1.5 The short submissions on the reverse of the application form will be circulated to Parish Councillors (un-anonymised) before the meeting at which the decision will be made. CVs and other covering letters are not acceptable.
- 6.1.6 Applicants will be invited to meet with as many Councillors as possible prior to the Parish Council meeting at which the Parish Council will make its decision on the co-option. The purpose of this meeting will be to determine the applicant's suitability by reference to the Person Specification (Appendix 1) and to respond to any question which the applicant might have.

5.2 Applicants will be informed of the date of the meeting at which the Parish Council will make its decision on the co-option.

### 6. Co-option meeting

6.1 Notice of the intention to co-opt should be included in the agenda for the meeting of the Parish Council either beneath a dedicated heading or within 'Councillor Vacancies' or similar. If a routine Council meeting, co-option will occur early in the agenda so that new councillors on making declaration of acceptance of office can join the council and participate with immediate effect. Applicants may be invited to the meeting to introduce themselves and to provide Councillors with a short (2 minute) pitch, and the opportunity for Councillors to ask questions of them, or the Parish Council can decide to rely on the written submissions alone. There is no requirement for co-option candidates to attend the meeting in person if personal circumstances preclude this.

6.2 If applicants are not invited to speak or attend in person at the co-option meeting they are welcome to, but are not required to, attend as members of the public. In such circumstances the Croscombe Parish Council Public Participation Policy applies with regard to speaking.

6.3 There are no special reasons which justify excluding the public during a council meeting when it is making decisions about a matter of public interest such as co-option.

### 7. Co-option Voting Process

7.1 Co-option is a decision of the Council, and Reference B requires that all decisions of the council are determined by a majority vote. Where the response to a motion for resolution is simply binary, i.e. "for or against" a majority vote is easy to comprehend. Where the potential answer is multi-faceted, i.e. one vacancy but 8 candidates, the answer requires some illustration: The person co-opted must receive a majority of the votes of those Councillors present and voting at the meeting where the co-option takes place. So, where there are *more* applicants than actual vacancies, this rule means that a person must get a majority of votes *over all the other applicants*, e.g.:

*Applicant A receives four votes;*

*Applicants B receives three votes;*

*Applicant C receives one vote;*



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*Although it looks as if Candidate A is the winner with more votes than any other candidate, A is not elected because s/he has the same number of votes as B and C put together and does not have a majority over their combined votes.*

7.2 Where there are more than two applicants for a single vacancy it is desirable to eliminate the applicant(s) with the least number of votes, so that the final vote is between two applicants only. Then there can be a clear majority. This method may require 2 or 3 rounds of voting to fill one vacancy.

7.3 Where there are more vacancies than incumbents (i.e. 4 vacancies but only 3 sitting councillors voting), it may be desirable for the first and subsequent vacancies to be filled immediately by the completion of the Declaration of Acceptance of Office form (see 8.1) , so that there can be more representative voting and transparency in appointments. Thus although only 3 councillors co-opt the first vacancy, the next vacancy is voted on by 4 councillors, the next voted on by 5, and so on until all vacancies are filled. This is a more representative and fairer way of selecting applicants than allowing say, 3 or 4 sitting councillors to determine all the vacancies for colleagues alone.

7.4 Voting is to be by show of hands and the results recorded in the minutes. In the event of a tie between candidates at any round of voting, the Chairman may exercise a casting vote but is not obliged to do so.

7.5 candidates who are eliminated with no, or low, votes in filling a vacancy are considered afresh for any subsequent vacancies. For example, if on filling Vacancy 1 four of seven potential candidates are eliminated after a first round of voting, when the voting for vacancy 2 occurs, all six of the original candidates are considered irrespective of how many, if any, votes they achieved on Vacancy 1.

7.6 All councillors **must** vote for a co-option candidate, there can be no abstention by councillor present.

### 8. After the Vote

8.1 Successfully co-opted applicants become Councillors in their own right, with immediate effect having signed their Declaration of Acceptance of Office, and are no different from any other member. If a co-opted member has completed and submitted the declaration form to the Chairman immediately, that member may if they wish join, and should be encouraged to do so, the Council in voting for subsequent Co-Option candidates.

### 9. Term of Office

9.1 Co-Opted Councillor's term of office runs until the next quadrennial elections for the Parish Council. They are not temporary appointments, and other than consideration for the broader Council's eligibility for the General Power of Competence are not in any way subordinate or inferior to an elected member.

### 10. Withdrawal of candidacy.

10.1 A candidate may withdraw at any time up to the submission of acceptance of office.

### 11. Consideration of candidates for co-option formerly unreturned in an election

11.1 Although there is no legal obligation upon Croscombe Parish Council to consider a candidate for co-option more favourably if they have previously stood for election and were not returned, in the



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circumstance that such a candidate presents for co-option the Parish Council may consider the indication of community support shown in an election in their favour when considering candidates, however such consideration should not be disadvantageous to a candidate.

### 12. Unsuccessful Co-Option candidates

12.1 Where a candidate for co-option is unsuccessful in fulfilling a member vacancy, consideration should be given to their suitability to support the council in another formal role. This may include non-Councillor Membership of committees or subcommittees, either with or without voting rights dependent on role. This may suit candidates who cannot commit fully to the time expected of a Councillor, or if they have particular specialist interests or skills. Eligibility for Non-Councillor Members is identical to that for elected or co-opted members, and they must agree to the CPC adopted Code of Conduct and declare their pecuniary & personal interests. Candidates may optionally indicate their willingness to fill these roles so on their application form.

### 13. Challenge and Appeal

13. Any person (not just candidates) may challenge the process applied in a co-option meeting by means of the adopted CPC Complaint procedure. However once a declaration of acceptance of office is made, the candidate becomes a councillor and that cannot be reversed unless the Candidate is subsequently found to have been ineligible. Prior to the declaration of office being made, any person present may request a recount or clarification of the vote if it is unclear that a majority has been achieved or it is thought that a vote has not been cast. The only resolution available following an upheld complaint is a review and amendment of policy to prevent a recurrence of the inequity. There is no right of appeal by either unsuccessful candidates or the public.

Appendix 1 – Candidate Person Specification

Appendix 2 – Candidate Application Form

Appendix 3 – Declaration of Acceptance of Office Form



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### Appendix 1 – Parish Councillor Person Specification

Competency	Essential	Desirable
Knowledge & Experience	<p>Demonstrable knowledge and understanding of local affairs and the local community.</p> <p>Proven experience of working with voluntary and or local community groups.</p>	<p>Experience of committee work.</p> <p>Experience of working with or for a public body such as a local authority.</p> <p>Knowledge of the powers and duties of a Parish Council (training is available).</p> <p>Awareness of the boundaries of responsibility for District and County Councils.</p> <p>An interest or experience in one or more of the functional areas:</p> <ul style="list-style-type: none"> <li>• Planning Policy (National Planning Policy Framework; District &amp; local Plans).</li> <li>• Provision of recreational facilities;</li> <li>• Provision of Cemetery;</li> <li>• Finance &amp; Risk Management;</li> <li>• Community engagement &amp; Corporate communications;</li> <li>• Human Resources management;</li> <li>• Environment &amp; Conservation;</li> <li>• Transport and Tourism.</li> </ul>
Skills, Aptitude & Abilities	<p>Good communication and Interpersonal skills.</p> <p>Ability and willingness to represent the Council and the local community.</p> <p>Ability and willingness to undertake training.</p> <p>Desire to maintain and improve the quality of life for local residents.</p> <p>Desire to maintain and improve the local environment and services.</p> <p>Ability to analyse problems objectively, and arrive at evidence based decisions.</p>	<p>Computer literate.</p> <p>Presentation/public speaking Skills</p> <p>Willingness to take on delegated responsibility, and be accountable for decisions to full committee and the general public.</p> <p>Chairing skills, or experience of management &amp; leadership.</p>
Circumstances	<p>Ability and willingness to attend meetings of the Council and also its partners, such as the local authority or other local bodies, in the evening and at weekends.</p> <p>Equipped and able to communicate via e-mail.</p> <p>Not employed by the Council in any capacity.</p>	<p>Able to undertake site visits.</p>



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Appendix 2 – Candidate application form

APPLICATION FOR CO-OPTION TO CROSCOMBE PARISH COUNCIL

I [ \_\_\_\_\_ (full name)] of

[ \_\_\_\_\_ (1)]

hereby apply for co-option to Croscombe Parish Council.

I declare that on the date of application shown at (2) below:

- I am at least 18 years old.
- I am a British citizen, an eligible Commonwealth citizen or a citizen of any other member state of the European Union
- I meet at least one of the following four qualifications (tick as appropriate):
  - I am registered as a local government elector for the parish of Croscombe in respect of the qualifying address shown at (1) above, or;
  - I have occupied as owner or tenant any land or other premises in the parish during the whole of the 12 months before the day of this application (shown at (2) below) Show description of land or other premises below, or;
  - My main or only place of work during the 12 months prior to the day of this application (shown at (2) below) has been in the parish, or;
  - Show address of place of work and, where appropriate, name of employer, or;
  - Have lived in the parish or within three miles of it during the whole of the 12 months before the day of this application (shown at (2) below) Show address in full if different from address shown at (1) above.

I declare that to the best of my knowledge and belief I am not disqualified for being elected by reason of any disqualification set out in, or decision made under, section 80 of the Local Government Act 1972, section 78A of the Local Government Act 2000 or section 34 of the Localism Act 2011.

Applicant's signature \_\_\_\_\_ Date \_\_\_\_\_ (3)

Please turn over...



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Please explain in no more than 200 words in total why you want to be a Councillor for Croscombe, and what you think you can contribute:

(Optional) If unsuccessful in selection for one of the available Councillor (member) vacancies, would you consider serving the Council in another capacity, such as a non-Councillor voting member of a Committee?



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### DECLARATION OF ACCEPTANCE OF OFFICE

I [ (1) ] having been elected to the office of [ (2) ] of [ (3) ] declare that I take that office upon myself, and will duly and faithfully fulfil the duties of it according to the best of my judgment and ability.

Signed

Date

This declaration was made and signed before me,

Signed

Date

Proper officer of the council (4).

*(1) Insert the name of the person making the declaration.*

*(2) Insert "member" or "Mayor" as appropriate.*

*(3) Insert the name of the authority of which the person making the declaration is a member or mayor.*

*(4) Where the declaration is made before another person authorised by section 83(3) of the Local Government Act 1972, state instead the capacity in which that person takes the declaration(a).*

(a) Under section 83(3) of the Local Government Act 1972, a declaration for members or elected mayors of a county, district or London borough council shall be made before two members of the council, its elected mayor, its proper officer, a justice of the peace or magistrate in the United Kingdom, the Channel Isles or the Isle of Man, or a commissioner appointed to administer oaths in the Supreme Court. A declaration for members of parish councils shall be made before a member or the proper officer of the council.