



Stapleford Abbots Parish Council

CO-OPTION POLICY

Version: 1.2

June 2022

A Scope

This policy applies to the Stapleford Abbots Parish Council. Where the term ‘staff’ is used, this includes any staff (paid and voluntary) working for the Council. This policy is aimed at all Councillors and staff working for Stapleford Abbots Parish Council.

B Confidential Notice & Intellectual Property

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C Document Details

Policy	<i>Co-Option Policy</i>
Policy Statement	<i>This document sets out a Co-Option Policy to use by Stapleford Abbots PC</i>
Version Number	<i>1.2</i>
Version Date	<i>01/06/2022</i>
Review Date	<i>01/04/2023</i>
Author	<i>SAPC</i>
Responsible Owner	<i>Stapleford Abbots Parish Council</i>
Approving Body	<i>Stapleford Abbots Parish Council</i>

D Revision History

Version	Revision Date	Details of Changes	Author
1.0	07/04/2020	First version	SAPC
1.1	01/06/2021	Second version	SAPC
1.1	01/06/2022	Current version	SAPC

E Freedom of Information

If requested, this document may be made available to the public and persons outside the Council as part of Stapleford Abbots Parish Council's commitment to transparency and compliance with the Freedom of Information Act.

F Accessibility

This document can be made available in other styles, formats, sizes, languages and media in order to enable anyone who is interested in its content to have the opportunity to read and understand it. Any such requests should be made to the Clerk.

G Dissemination

This policy will be disseminated to all staff. All staff will have to read this policy at publication and every time there is an update or change to the policy. The Stapleford Abbots Parish Councillors will have the overall responsibility for implementing the policy.

H Review

This policy will be reviewed every year or when new evidence, policy or guidelines come to light necessitating an update / change. The policy review and update will be the responsibility of the Stapleford Abbots Parish Council.

Introduction

This policy sets out the procedure to ensure there is compliance with legislation and continuity of procedures in the co-option of members (Councillors) to Stapleford Abbots Parish Council.

This policy managed entirely by the Parish Council and will ensure that a fair and equitable process is carried out.

Co-option

The co-option of a parish councillor occurs in two instances:

1. When an ordinary vacancy has arisen on the Parish Council after the ordinary elections held every four years.
2. When a casual vacancy has arisen on the Parish Council and no poll (by-election) has been called.

1. Ordinary Vacancy

An ordinary vacancy occurs when there are insufficient candidates to fill all the (7) seats on the Parish Council at the ordinary elections held every four years.

Candidates who were nominated are automatically elected to the Parish Council and any remaining vacancies are known as “ordinary vacancies”.

Provided there are enough parish councillors to constitute a quorum, the Parish Council is usually able to co-opt a volunteer to fill the vacancies.

In some cases, the District Council (Epping Forest) may intervene and make an appointment or order an election to fill the vacancies.

2. Casual Vacancy

A casual vacancy occurs when:

- a. A councillor fails to make his declaration of acceptance of office at the proper time; b. A councillor resigns;
- c. A councillor dies;
- d. A councillor becomes disqualified; or
- e. A councillor fails, for six (6) months, to attend meetings of the council, a council committee or sub-committee or to attend a meeting of an outside body as a representative of the council

The Parish Council must notify the District Council of a casual vacancy and then advertise the vacancy and give electors for the parish the opportunity to request an election.

This occurs when ten (10) electors write to the District Council stating that an election is requested. Note that these are individual requests and not a poll or petition.

The people of the parish have fourteen days (not including weekends, bank holidays and other notable days), to claim the by-election. The Electoral Services Office of Epping Forest District Council will advise the Clerk of the closing date.

If a by-election is called, a polling station will be set up by Epping Forest District Council and the people of the parish will be asked to go to the polls to vote for candidates who will have put themselves forward by way of a nomination paper to the District Council.

For a single vacancy;

If more than one (1) candidate is then nominated a by-election takes place. If only one (1) candidate is put forward they are duly elected without a ballot.

The Parish Council will pay the costs of the election.

If ten (10) residents do not request a ballot within fourteen (14) days of the vacancy notice being posted, as advised by the Electoral Services Office, the Parish Council is able to co-opt a volunteer.

Confirmation of Co-option

On receipt of written confirmation from the Electoral Services Office that no by-election has been claimed, the casual vacancy can be filled by means of co-option.

The Clerk will:

- a. Advertise the vacancy for four weeks, or such other period as the Parish Council may agree, on the Parish Council notice boards and internet
- b. Advise Epping Forest District Council that the co-option policy has been instigated

This procedure will also apply in the case of an ordinary vacancy where the Electoral Services Office has confirmed that there were insufficient nominations to fill all the seats but there are sufficient parish councillors elected to constitute a quorum (3 councillors).

Eligibility of Candidates For Election and / or Co-option

The Parish Council is able to consider any person to fill a vacancy provided that:

- a. He/she is 18 or over; and
- b. He/she is a British citizen, a qualifying Commonwealth citizen or a citizen of any other member state of the European Union;

and at least one of the following apply:

- c. He/she is an elector for the Parish and continues to be an elector; or
- d. Has resided in the Parish for the past twelve months or rented/tenanted land in the Parish; or e. Has had his/her principal or only place of work in the Parish for the past twelve months; or f. Has lived within three miles of the Parish for the past twelve months.

There are certain disqualifications for being a parish councillor. See s80 of the Local Government Act 1972 for the full details. The main disqualifications are:

- a. Holding a paid office or employment under the Parish Council;
- b. Bankruptcy;
- c. Having been sentenced to a term of imprisonment (whether suspended or not) of not less than three months, without the option of a fine during the preceding five years; or d. Being disqualified under any enactment relating to corrupt or illegal electoral practices.

Applications for Co-option

Candidates will be requested to:

- a. Attend at least two Parish Council meeting as observers;
- b. Submit information about themselves, by way of completing a short application form (a copy of the application form is attached as Appendix A);
- c. Confirm their eligibility for the position of parish councillor within the statutory rules, (a copy of the eligibility form is attached as Appendix B).

Following receipt of applications, the next suitable Parish Council meeting will have an agenda item 'To receive written applications for the office of Parish Councillor and to co-opt a candidate to fill the existing vacancy'.

Eligible candidates will be invited to attend the meeting.

Copies of the eligible candidates' applications will be circulated to all parish councillors by the Clerk at least 3 clear days prior to the meeting of the full Parish Council, when the co-option will be considered.

All such documents will be treated by the Clerk and all parish councillors as strictly private and confidential.

At the Co-option Meeting (Parish Council)

At the co-option meeting, candidates will be given five minutes maximum to introduce themselves to the parish councillors (members), give information on their background and experience and explain why they wish to become a member of the Parish Council. The process will be carried out in the public session and there will be no private discussions between members prior to a vote being taken.

(note that standing orders are to be suspended to enable 5 minutes and not 3 minutes limit)

However, where the Parish Council is discussing the merits of candidates and inevitably their personal attributes, this could be prejudicial, and the Parish Council should resolve to exclude the members of the press and public.

As soon as all candidates have finished giving their submissions, the Parish Council will proceed to a vote with each candidate being proposed and seconded by the councillors in attendance and a vote by a show of hands.

A recorded vote may be requested (by a councillor) so as to show whether each councillor present and voting, gave his/her vote for or against that question.

In order for a candidate to be co-opted to the Parish Council, it will be necessary for them to obtain an absolute majority of votes cast (50% + 1 of the votes available at the meeting).

If there are more candidates than there are vacancies, and there is no candidate/s with an overall majority in the first round of voting, the candidate with the least number of votes will drop out of the process.

Further rounds of voting will then take place with the process repeated until a candidate has an absolute majority.

If present, a candidate who is co-opted will sign a Declaration of Acceptance of Office at the co-option meeting, including an undertaking to abide by the Parish Council's Code of Conduct, and may take office thereafter.

If not present, a co-opted candidate will sign the Declaration of Acceptance of Office either before or at the next meeting of the Parish Council.

The Clerk will notify Epping Forest District Council Electoral Services Office of the co-option of the new parish councillor.

The co-opted parish councillor will complete a Notification of Disclosable Pecuniary and Other Interests form which the Clerk will lodge with the Monitoring Officer at the District Council within 28 days of the co-option.

If insufficient candidates are co-opted, the process should continue, whereby the vacancies are again advertised.

Appendix A ~ Co-option Application Form

Name:	
Address:	
Telephone Number:	
Email Address:	
<p>Please detail any experience you may have that is relevant to Stapleford Abbots Parish Council. You may want to refer to the Person Specification Appendix C to this policy</p> <p>Please continue onto a separate sheet if needed, or expand the box as you continue to write electronically.</p> <p>Note that this section will be made public if you are co-opted to the Parish Council.</p>	

Use of Personal Information

This information will be kept private and confidential.

The Parish Council will use your information, including that which you provide on this application form, to assess your suitability to be a parish councillor.

Declaration & Consent

I have read the section entitled “Use of Personal Information” and by signing this form I consent to the use and disclosure of my information included in this application form.

I declare the information given on this form to be true and correct.

Signed.....

Name.....

Date.....

Appendix B ~ Co-option Eligibility Form

In order to be eligible for co-option as a Parish Councillor you must satisfy certain criteria by Law. You must satisfy (a) and (b) below and at least one of the options (c) – (f).

Please indicate which apply to you:

a. I am 18 years of age or over; and	
b. I am a British citizen or a citizen of the Commonwealth or a citizen of any other member state of the European Union; and	
c. I am registered as a local government elector for the parish; or	
d. I have, during the whole of the twelve months preceding the date of my co option occupied, as owner or tenant, land or other premises in the parish; or	
e. My principal or only place of work during those twelve months has been in the parish; or	
f. I have during the whole of those twelve months resided in the parish or within 3 miles of it.	
<p>Please note that under Section 80 of the Local Government Act 1972 a person is disqualified from being a parish councillor if he/she:</p>	

- a) Is employed by the parish council or holds paid office (other than chairman, vice chairman or deputy chairman) under the parish council (including joint boards or committees);
- b) Is employed by an entity controlled by the parish council;
- c) Is the subject of a bankruptcy restrictions order or an interim bankruptcy restrictions order or a debt relief restrictions order or an interim debt relief restrictions order; or
- d) Has within five years before the day of co-option, or since his/her co-option, been convicted in the UK, Channel Islands or Isle of Man of any offence and has been sentenced to imprisonment (whether suspended or not) for not less than three months without the option of a fine; or
- e) Is otherwise disqualified under Part III of the Representation of the People Act 1983 (relating to corrupt or illegal electoral practices and offences relating to donations) or the Audit Commission Act 1998.

Declaration & Consent

I..... hereby confirm that I am eligible for the vacancy of Parish Councillor and I am not disqualified under s80 of the Local Government Act 1972 from being a parish councillor and that the information given on this form is true and correct.

Signature.....

Name.....

Date.....

Appendix C ~ Councillor Person Specification

COMPETENCY	ESSENTIAL	DESIRABLE
Relevant knowledge, Education, Professional Qualifications & Training	Sound knowledge and understanding of local affairs and the local community. Other requirements as appropriate	levels/Degree level and or • Specific Vocational training or professional qualification (e.g. accountant, teacher, surveyor, architect) may be specified.

Experience, Skills, Knowledge and Ability	<p>Solid interest in local matters.</p> <ul style="list-style-type: none"> • Ability and willingness to represent the Council and their community. <p>Good interpersonal skills.</p> <p>Ability to communicate clearly both orally and in writing.</p> <ul style="list-style-type: none"> • Ability and willingness to work closely with other members and to maintain good working relationships with all members and staff. • Good reading and analytic skills. • Ability and willingness to work with the council's partners (e.g. voluntary groups, other parish councils, principal authority, charities). • Ability and willingness to undertake relevant training. <p>Ability to work under pressure.</p>	<ul style="list-style-type: none"> • Knowledge of HR, procurement, contract management, financial control or risk management and compliance, public relations • Experience of working in another public body or not for profit organisation • Experience of working with voluntary and or local community/ interest groups. • Basic knowledge of legal issues relating to town and parish councils or local authorities. • Experience of delivering presentations. • Experience of working with the media. • Experience in financial control/budgeting • Experience of staff management
Other requirements	<ul style="list-style-type: none"> • Ability and willingness to attend meetings of the council (or the meetings of other local authorities and local bodies) in the evening and events in the evening and at weekends. • Flexible • Enthusiastic 	