

Oakford Parish Council

Co-option Policy

Adopted 14th February 2022 – Review date February 2026

1. INTRODUCTION

1.1. This policy sets out the procedure to ensure there is compliance with legislation and continuity of procedures in the co-option of members to Oakford Parish Council. The co-option procedure is entirely managed by the Parish Council and this policy ensures a fair and equitable process is carried out.

1.2. Whenever the need for co-option arises Oakford Parish Council will seek and encourage applications from any resident who is eligible to stand as a Parish Councillor. Councillors or parishioners can legally approach individuals to suggest that they might wish to consider putting their names forward for co-option.

1.3. Oakford Parish Council will advertise the vacancies through noticeboards, the website and social media.

1.4. The co-option policy will be reviewed every 4 years.

2. ORDINARY VACANCY

2.1. Insufficiency of candidates at an ordinary election provides Oakford Parish Council with authority to exercise its rights to co-opt any person or persons to fill any vacancies within 35 days following the date of the ordinary election. The co-option process criteria should be adhered to in any situation where there are more interested persons than vacancies to ensure that there is no bias to co-option and a fair and transparent process occurs.

3. CASUAL VACANCY

3.1. Co-option of a Parish Councillor also occurs when a casual vacancy arises. This occurs when:

3.1.1. A councillor fails to make their declaration of acceptance of office at the proper time;

3.1.2. A councillor resigns;

3.1.3. A councillor dies;

3.1.4. A councillor becomes disqualified; or

3.1.5. A councillor fails for six (6) months to attend meetings of the Council

3.2. The Parish Council has to notify Mid Devon District Council of a casual vacancy and then advertise the vacancy and give electors for the ward the opportunity to

request an election. This occurs when ten (10) electors write to MDDC stating that an election is requested.

3.3. If a by-election is called, a polling station will be set up by MDDC and the people of the ward will be asked to go to the polls to vote for candidates who will have put themselves forward by way of a nomination paper. The Parish Council pays for the costs of the election.

3.4 If more than one candidate is then nominated, a by-election takes place but if only one candidate is put forward they are duly elected without a ballot.

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

4. CO-OPTION PROCESS

4.1. An advertisement will be circulated regarding any vacancy. The advertisement will include:

4.1.1. The eligibility criteria;

4.1.2. The method by which applications can be made;

4.1.3. The closing date for all applications;

4.1.4. A contact point to obtain more information;

4.1.5. Where further information is available, e.g. from the Clerk and the Oakford Parish Council website.

4.2. Eligibility of candidates – Oakford Parish Council can consider any person to fill a vacancy provided that:

4.2.1. They are an elector for the parish; or

4.2.2. They have resided in the parish for the past twelve months or rented/tenanted land in the parish; or

4.2.3. Their principal place of work is in the parish; or

4.2.4. They live within three miles (direct) of the parish.

4.3. A candidate will be deemed disqualified for election/co-option, under the terms of the Local Government Act 1972, of which the main criteria are:

4.3.1. Holding a paid office under the local authority;

4.3.2. Bankruptcy;

4.3.3. 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 five years preceding the election; and

4.3.4. Being disqualified under any enactment relating to corrupt or illegal practices.

4.4. The 'expression of interest' is not a legal requirement. The National Association of Local Councils (NALC) recommends that councils always give public notice of vacancies because this makes the process of co-option open and transparent and should attract more potential candidates. Candidates will be required to:

4.4.1 Complete an application form available from the Clerk, website or Parish Council Facebook page;

4.4.2. Confirm their eligibility whilst confirming they are not disqualified from holding the position of Parish Councillor.

4.5. Eligible candidates will be invited to a special meeting of the Parish Council which will take place in private.

4.5.1 In filling a vacancy by co-option, the parish council is not obliged to consider the applications of candidates who have previously applied for co-option during the current term of the Council.

4.5.2 Councillors will receive the application forms from the Clerk at least three days before the meeting.

4.5.3 A documented interview will be used to determine the successful candidates. If there is only one candidate there a documented interview will still take place.

4.5.4 Questions will be agreed before the interview and each candidate will be asked the same questions.

4.5.5 All application forms will be treated by the Clerk and all parish councillors as strictly private and confidential.

4.5.6 A vote by ballot, or a poll in the case of a virtual meeting, will decide who will be co-opted. An absolute majority vote is required for each candidate from all members present and entitled to vote (LGA 1972 ch. 12. Para 39) (The applicant with the least number of votes casted will be deleted and the vote taken again and again etc. until the number of candidates equals the number of vacancies);

4.5.7 Where there is only one applicant there will be a vote by ballot, or a poll in the case of a virtual meeting, to decide whether they should be co-opted.

4.5.8 Councillors can decide not to co-opt any of the candidates.

4.5.9 Candidates will be furnished with a full agenda of the meeting at which they are to be considered for selection, plus a copy of the members' code of conduct, acceptance of office form, Members' Register of Interests form and standing orders

of the council. The successful candidates will immediately sign their declaration of acceptance of office and can then act as councillors. They are to be reminded that their entry to the Members' Register of Interests must be filled in within 28 days and a copy passed on to the monitoring officer.

4.5.10 The Clerk to notify Electoral Services of the new Councillor appointment.

Co-opted Councillor Desirable Criteria

| Competency | Essential | Desirable |
|---|---|---|
| Personal attributes | <ul style="list-style-type: none"> • Sound knowledge and understanding of local affairs and the local community • Forward thinking | <ul style="list-style-type: none"> • Can bring a new skill, expertise or key local knowledge to the Council |
| Experience, skills, knowledge and ability | <ul style="list-style-type: none"> • Ability to listen constructively • A good team player • Ability to pick up and run with a variety of projects • Solid interest in local matters • Ability and willingness to represent the Council and their community • Good interpersonal skills and able to contribute opinions at meetings whilst willing to see others views and accept majority decisions. • Ability to communicate succinctly and clearly. • Ability and willingness to work closely with other members and to maintain good working relationships with all members and staff. • Ability and willingness to work with the Council's partners (e.g. voluntary groups, other parish councils, principal authorities, charities). • Ability and willingness to undertake induction training and other relevant training. | <ul style="list-style-type: none"> • Experience of working or being a member in a local authority or other public body • 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 |
| Circumstances | <ul style="list-style-type: none"> • Able to attend Parish Council meetings on the second Monday evening of the month at 7.30pm | |

APPENDIX A

CO-OPTION APPLICATION FORM

| |
|---|
| Name |
| Address |
| Telephone number |
| Email address |
| Are you 18 or over? Yes/No |
| Please answer the questions below giving as much relevant information as possible |
| Why would you like to be a Parish Councillor? |
| Have you attended Parish Council meetings as a member of the public? Yes/No |
| What skills and experience can you offer the Parish Council and the Community? |
| Experience of working with voluntary and or local community / interest groups |

| |
|--|
| Are you willing to attend induction training? Yes/No |
| Please tick to confirm that you have read and understood the Members' Code of Conduct <input type="checkbox"/> |

Eligibility

| 1. In order to be eligible for co-option as a Parish Councillor you must satisfy certain criteria. You must satisfy (a) and (b) below and at least one of the options (c) – (f). Please state which apply to you: | Yes or No |
|--|-----------|
| 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. | |

2. Please note that under Section 80 of the Local Government Act 1972, a person is disqualified from being a parish councillor if he/she: a. Is employed by the parish council or holds paid office (other than chair, vice-chair or deputy chair) 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 hereby confirm that I am eligible for the vacancy of Oakford 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.

Use of Personal Information.

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.....

Please complete and return this form to: Mrs J Larcombe, the Clerk to the Parish Council, 6 The Old School, Chapel Street, Tiverton, EX16 6ND

Email: clerk.oakfordpc@gmail.com