

TRIMINGHAM PARISH COUNCIL

CO-OPTION POLICY

1. Introduction

This procedure is based on NALC Legal Briefing L15-08 – Good practice for selection of candidates for co-option to local Councils. Parish Councils are permitted to exercise the power to co-opt a person on to the Council to fill a casual vacancy when the requirements to hold an election have not been met (i.e. The vacancy has been the subject of a public notice and less than 10 registered electors have requested an election by a deadline date specified by the Returning Officer).

2. Context

Although seeking expressions 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.

Whenever the need for co-option arises, Trimingham Parish Council will consider advertising the vacancy to seek and encourage expressions of interest by a specified date from anyone living or working in the ward of Trimingham Parish or within 3 miles of its boundaries who is eligible to stand as a Parish Councillor.

3. Process

Applicants are invited to attend a Parish Council meeting as members of the public before applying to become a Councillor.

The Clerk will send information to everyone who requests a co-option form, such as the Good Councillor's Guide, Standing Orders and Financial Regulations and the most recent minutes of the Council.

The expression of interest form is at Appendix B.

At the meeting designated for a decision:

- i. Clerk to confirm that each candidate has stated they are qualified to become a Councillor and is not disqualified from being a Councillor as set out in the Local Government Act 1972 s79 and s80;
- ii. Chair to offer opportunity for debate on the order of priority to offer co-option. The candidates may be asked to leave the room while the debate takes place, but cannot be legally removed;
- iii. Vote by a show of hands on the acceptability of each candidate for co-option, utilising the 'person specification' criteria set out in Appendix A and the expression of interest form completed by candidates; no other information about or from a candidate will be passed on to the meeting by the Clerk. An absolute majority vote is required for each candidate from all members present and entitled to vote (LGA 1972 Sch. 12. Para 39) (The applicant with the least number of votes cast will be deleted and the vote taken again and again etc. until the number of candidates equals the number of vacancies);
- iv. Vote to select the order in which acceptable candidates (decided by the vote at iii above) should be approached to offer co-option on this occasion.

- v. Either at the meeting the Chair to allow time for (if the first-choice candidate is present), or following the meeting the Clerk to approach and offer co-option to candidate(s), in the order of priority determined by the vote at iii above. If the first choice does not accept the post, then the second is to be approached and so on until the ranking list is exhausted.
- vi. The Clerk to notify Electoral Services of the new Councillor appointment, initiate acceptance of office paperwork and registration of interests (which will be available on or through the Council website) and to amend the Parish Council website and records accordingly.
- vii. Assuming that the co-option position is filled and all paperwork completed, formally ratify the appointment at the same or the next Full Council meeting. If no one accepts the vacant post(s), the whole process is to be repeated when new individuals expressing interest are identified. Advertisement may continue.
- viii. The new Councillor may take their seat immediately when they are co-opted in, and their Declaration of Acceptance of Office is signed.

Co-Opted Councillor Person Specification Personal Attributes

All potential candidates will be requested to put their request for consideration by completing an application form (See Appendix B).

- Sound knowledge and understanding of local affairs and the local community.
- Forward thinking
- Can bring a new skill, expertise or key local knowledge to the Council.
Experience, Skills, Knowledge and Ability
- 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 authority, charities).
- Ability and willingness to undertake induction training and other relevant training.
- 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 Parish Councils or local authorities
- Experience of delivering presentations
- Ability and willingness to attend meetings of the Council (or meetings of other local authorities and local bodies) at any time and events in the evening and at weekends.

Application Form for The Role of Parish Councillor with Trimingham Parish Council

Full name:

Home address

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Postcode

Telephone Number

Mobile Number

Email Address

Legal Qualifications for Being a Parish Councillor

Please tick the appropriate criteria that you are claiming from the list below. If applicable you can claim as many of these criteria as possible.

Section 79 (1) of the Local Government Act 1972 (the 1972 Act) provides, unless disqualified (see below) a person is qualified to be elected and to be a Councillor if he is a qualifying Commonwealth citizen or an EU citizen and on the day on which they are co-opted they are 18 years of age or over and:

- On that day they are and thereafter they continue to be a local government elector for the area of the authority; or
- They have during the whole of the 12 months preceding that day occupied as owner or tenant any land or premises in that area; or
- Their principal or only place of work during that 12 months has been in that area; or
- They have during the whole of those 12 months resided in that area; or
- in the case of a member of a parish or community council they have during the whole of those 12 months resided either in the parish or community or within three miles of it.

A person is a qualified Commonwealth citizen if they are a Commonwealth citizen who either-

- is not a person who requires leave under the Immigration Act 1971 (the 1971 Act) to enter and remain in the United Kingdom, or
- is such a person but for the time being has (or is, by virtue of any enactment, to be treated as having) indefinite leave to remain within the meaning of the 1971 Act.

A person is not a qualifying Commonwealth citizen if they do not require leave to enter or remain in the United Kingdom by virtue only of section 9 of the 1971 Act (exceptions to requirement for leave in special cases)

With reference to c) above, a person is qualified for re-election under paragraph c) if they are already a Councillor.

Disqualifications for holding office as a Councillor.

In accordance with section 80 of the 1972 Act, a person is disqualified from being elected (coopted) or being a Councillor if they:

- a) hold any paid office or employment (other than the office of Chair, Vice Chair or Deputy Chair) to which they have been appointed by the council or any committee or subcommittee of the council, or by a paid officer of the council, or by any joint committee on which the council is represented; or
- b) is the subject of a bankruptcy restrictions order, an interim bankruptcy restrictions order, a debt relief restrictions order or an interim debt relief restrictions order under schedule 4ZB of the Insolvency Act 1986; or
- c) has within five years before the day of election or since their election been convicted of any offence and sentenced to a term of imprisonment of at least three months (whether suspended or not) without the option of a fine; or
- d) has been found guilty of corrupt or illegal practices, or was responsible for incurring unlawful expenditure and the court orders their disqualification.

In relation to a) above, when dealing with an office of profit, it is irrelevant that no profit was actually received.

I hereby declare that I meet the criteria ringed above to hold office as a Councillor and that having considered the above disqualification criteria, I am not disqualified from holding office of a Councillor.

Signed..... Date:

Please complete the table on the next page, which is the information which will be shared with Councillors. The information on this page is for Officers only.

Expression of Interest form for Parish Council Casual Vacancy

Note: during discussion at the meeting, the name of the candidate must not be discussed. The name is given for Councillors' information only. This form will be issued to all Councillors as part of meeting papers, to assist with their decision making on co-option.

Name:

I am seeking Co-option to Trimingham Parish Council

Please briefly outline of why you are interested in being a Parish Councillor. Please use additional paper as necessary.

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Please tell us something about the life experience you will bring to the Council, for example, previous local government experience, work in the voluntary or charitable sector, business experience and so on.

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Please tell us something about the skills you feel you will bring to the Council, for example, professional qualifications, financial, event or project management expertise.

Are there any questions you would like to ask the council?

Signed..... Date:

Forms to be returned the Parish Clerk: clerktrimingham@gmail.com