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## **BOUGHTON UNDER BLEAN PARISH COUNCIL**

### **Councillor Co-Option Policy**

Adopted: 13<sup>th</sup> December 2022

Next review: June 2023

## **1. Introduction**

It is important that all applicants are treated alike so that arrangements are seen to be open, fair and transparent. This policy sets out the process to be followed by Boughton under Blean Parish Council when co-option is under consideration.

## **2. Co-Option**

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

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

### **Ordinary vacancy**

An ordinary vacancy occurs when there are insufficient candidates to fill all the seats on the Parish Council at the ordinary elections held every four years. Any 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, Swale Borough Council may intervene and make an appointment or order an election to fill the vacancies.

### **Casual vacancy**

A casual vacancy occurs when:

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

Whenever the need for co-option arises, the Parish Council will seek and encourage applications from anyone who is eligible to stand as a Parish Councillor (see section 3).

The Parish Council is not obliged to co-opt to fill any vacancy. Even if the Council invites applications for co-option, it is not obliged to select anyone from the candidates who apply.

It is however not desirable that electors of the Parish be left partially or unrepresented for a significant length of time; neither does it contribute to the effective and efficient working of the Parish Council if there are insufficient Councillors to share the workload equitably, provide a broad cross-section of skills and interests, or to achieve meeting quorums without difficulty, given that some absence is unavoidable at times. However, this must not be used as an excuse to co-opt and the vacancy will remain an agenda item until filled.

## **3. Co-option Process:**

- a. In the event of a vacancy occurring due to the resignation, death or ineligibility of a Councillor, the Clerk will immediately inform the Electoral and Monitoring Offices at Swale Borough Council (SBC), and both with a copy of the requisite Notice of Vacancy for posting.
- b. Should the requisite 10 electors of the Parish have not called for a poll (by-election) within the legally specified time period (currently 14 days) following the publication of the Notice of Vacancy, the Parish Clerk shall be notified by SBC that the vacancy(ies) may be filled by co-option. The Parish Council may then proceed to co-opt.

- c. Once it is established that the vacancy can be filled by co-option, the Clerk will place a notice announcing that the vacancy(ies) can be legally filled by co-option and invite expressions of interest. The notice will be advertised through the Parish Council's media platforms (noticeboard, website and facebook page).

#### **4. Eligibility of candidates**

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

- he/she is 18 or over
- he/she is a British citizen, a qualifying Commonwealth citizen or a citizen of any other member state of the European Union

#### Qualification Criteria:

Be an elector for the parish; or

- has resided in the parish for the past twelve months or rented/tenanted land or other premises in the parish
- had their principal place of work in the parish
- has lived within three miles (direct) of the parish

There are certain disqualifications for election (see 5. 80 of the Local Government Act 1972), of which the main are:

- holding a paid office under the local authority
- bankruptcy
- 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
- being disqualified under any enactment relating to corrupt or illegal electoral practices

#### **5. Application Process:**

1. When expressions of interest are received, the Clerk will provide all applicants with the Parish Council's Co-Option Application Form and Eligibility Form (*Appendix A*) and suggested specification requirements (*Appendix B*). The forms are also available to download from the Parish Councils website.
2. The Clerk will then consider completed forms to check that the individual(s) meets the qualification requirements.
3. All candidates are asked to complete the Councillor Co-Option Application Form and Eligibility Form (*Appendix A*) and redacted copies will be circulated to all Parish Councillors with the agenda packs prior to a full meeting of the Council where the co-option is to be considered. All such documents will be treated by the Clerk and Councillors as strictly private and confidential.
4. Co-option Candidates will be informed of the date of the meeting at which the Parish Council will make its decision based on the application form submitted. Notice of the Intention to consider Co-option will be included on the agenda as a separate item at a Parish Council meeting.
5. Candidates will be invited to the meeting to introduce themselves and speak in support of their application. It will also provide Councillors with the opportunity to seek, through the Chair, clarification on submissions within the application form that they are not sure of, or the Council may decide to rely on the written submissions alone.
6. Only Councillors present at the meeting may vote upon a person to fill the vacancy.

Councillors will have one vote per vacancy to be filled.

7. If a candidate is a relative of a Councillor or has connections with any candidate which may be perceived as prejudicial, that Councillor should declare an interest and withdraw from the meeting. Under any of these circumstances a vote by the Councillor concerned is not allowed.
8. The Parish Council will appoint co-opted members by voting according to Standing Orders.
9. If there are exactly as many as, or fewer candidates than vacancies, the Parish Council may vote on a composite motion, duly proposed and seconded, that all candidates be co-opted. If there are more candidates than vacancies, it will be necessary for existing Councillors present at the meeting to vote.
10. If there are more candidates than vacancies, Arnold Baker's "Local Council Administration" recommends that:
  - i) *Where more than two persons have been nominated for a position to be filled by the Council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. A tie in votes may be settled by the casting vote exercisable by the chairman of the meeting.*
  - ii) *Where the council is considering the co-option of a councillor to fill a vacancy under s.89 of the Local Government Act 1972, it shall be under no obligation to accept any candidate.*
11. After the vote, any Candidates that are not present at the meeting will be notified of the results by the Clerk, as soon as is reasonably possible (usually within 24 hours)
12. The successful candidate's term of office runs until the next quadrennial elections for the Parish Council.

Successfully co-opted candidates become Councillors in their own right, with effect from the start of the next full council meeting and are no different to any other member. As such, they must sign the Declaration of Acceptance of Office and Registration of Interests Form at their first meeting, or within 28 calendar days of co-option (whichever is the sooner).

The successful candidate(s) will also confirm that they will comply with and abide by the Parish Council's Code of Conduct. Should the new Councillor not comply with or breach the Code of Conduct, then the Monitoring Officer at Swale Borough Council will be advised, who will then deal with the matter.

## **Appendix A**

### **CO-OPTED COUNCILLOR APPLICATION FORM**

Thank you for your interest in becoming a parish Councillor. Please provide the below information to assist in the council making their decision.

<b>Full Name and Title</b>	
<b>Home Address</b>	
<b>Home Telephone</b>	
<b>Mobile Telephone</b>	
<b>Email Address</b>	

**About You:**

Please provide the council with some background information about yourself:

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**Reasons for applying:**

Please provide the council with your reasons for wanting to become a Parish Councillor.

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**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 return your completed Application Form, together with the completed Co-option Eligibility Form to the Clerk to the Parish Council. Your application will be considered at the next available Parish Council meeting, where a vote will be held to decide your co-option to Boughton under Blean Parish Council.

**CO-OPTED COUNCILLOR ELIGIBILITY FORM**

**1. In order to be eligible for co-option as a Boughton under Blean Parish Councillor you must be a British Subject, or a citizen of the commonwealth or the European Union and on the date of the poll or election be 18 years of age or over and be able to meet one of the following qualifications set out below:**

**Please tick which one applies to you:**

- I am registered as a local government elector for the parish; or
- I have, during the whole of the twelve months preceding the date of my application, occupied as owner or tenant, land or other premises in the parish; or
- My principle or only place of work during those twelve months have been in the parish; or
- I have during the whole of the twelve months resided in the parish or within three miles of it.

**2. Please note that under Section 80 of the Local Government Act 1972, a person is disqualified from being elected as a Local Councillor or being a member of Local Council if he/she fulfils any of the following:**

- a) Holds any paid office or employment of the local council (other than the office of Chairman) or of a joint committee on which the Council is represented
- b) Is a person who has been adjudged bankrupt or has made a composition or arrangement with his/her creditors (but see below)
- c) Has within five years before the day of election, or since his/her election, 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
- d) Is otherwise disqualified under Part III of the representation of the People Act 1983 for corrupt or illegal practices.

**3. This disqualification for bankruptcy ceases in the following circumstances:**

- a) If the bankruptcy is annulled on the grounds that either the person ought not to have been adjudged bankrupt or that his/her debts have been fully discharge
- b) If the person is discharged with a certificate that the bankruptcy was caused by misfortune without misconduct on his/her part
- c) If the person is discharged without such a certificate
- d) In **a** and **b** above, the disqualification ceases on the date of the annulment and discharge respectively
- e) In **c**, it ceases on the expiry of five years from the date of discharge.

## **DECLARATION**

I..... hereby confirm that I am eligible for the vacancy of Boughton under Blean Parish Councillor and I am not disqualified under section 80 of the Local Government Act 1972 from being a parish councillor and that the information given on this form is true and correct.

Signature.....

Date.....

## **Appendix B**

## CO-OPTED COUNCILLOR PERSON SPECIFICATION

<b>COMPETENCY</b>	<b>DESIRABLE ATTRIBUTES</b>
<b>Personal Attributes</b>	<ul style="list-style-type: none"><li>● Sound knowledge and understanding of local affairs and the local community</li><li>● Forward thinking</li></ul>
<b>Experience, Skills, Knowledge and Ability</b>	<ul style="list-style-type: none"><li>● Ability to listen constructively</li><li>● A good team player</li><li>● Ability to pick up and run with a variety of projects and a solid interest in local matters</li><li>● Ability and willingness to represent the Council and the community</li><li>● Good interpersonal skills and able to contribute opinions at meetings whilst willing to see other views and accept majority decisions</li><li>● Ability to communicate succinctly and clearly</li><li>● Ability and willingness to work closely with other members and maintain good working relationships with all members and staff</li><li>● Ability and willingness to work with the Council's partners (e.g. voluntary groups, other Parish Councils, principle authority, charities)</li><li>● Ability and willingness to undertake induction training and other relevant training.</li></ul>
<b>Circumstances</b>	<ul style="list-style-type: none"><li>● 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 as required.</li></ul>