



West Kingsdown Parish Council

Co-option Policy

INTRODUCTION

This policy sets out the procedure to ensure there is compliance with legislation and continuity of procedures in the co-option of members to West Kingsdown Parish Council. The co-option procedure is entirely managed by the Parish Council, and this policy 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.

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. 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, Sevenoaks District 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; or
- 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.

The Clerk must notify Returning Officer at Sevenoaks District Council of a Casual Vacancy. The District Council then sends the Clerk a notice to display on-line and the on the parish noticeboards to give electors the opportunity to request a by-election. This occurs when ten+ electors write to the Returning Officer at the District Council stating that an election is requested.

If a by-election is called, a polling station will be set up by Sevenoaks District Council and people registered to vote 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 District Council will pass all associated costs of the by-election onto the parish council to pay. The people of the parish have fourteen days (not including weekends, bank holidays and other notable days), to claim the by-election, but the Electoral Services Office of Sevenoaks District Council will advise the Clerk of the closing date.

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

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 member.

CONFIRMATION OF CO OPTION

On receipt of written confirmation from the Electoral Services Office, the casual vacancy can be filled by means of co-option. The Clerk will:

- Advertise the vacancy for four weeks or such other period as the Parish Council may agree on the Parish Council notice boards and website.
- Advise that the co-option policy has been instigated.

NALC recommends that local councils always give public notice of vacancies because this makes the process of co-option open and transparent and should attract more potential candidates.

West Kingsdown Parish Council is not obliged 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.

However, it is not desirable that electors be left partially underrepresented for some significant lengths of time. Neither does it contribute to effective and efficient working of the Council if there are insufficient councillors to share the workload; equitably; to provide a broad cross-section of skills and interests; or the achieve meeting quorums without difficulty.

Councillors elected by co-option are full members of West Kingsdown Parish Council.

ELIGIBILITY OF CANDIDATES

Once is satisfied that a candidate is eligible to be co-opted onto a council, NALC recommends that a local council should employ a fair and transparent process to assess the suitability of a proposed candidate who wishes to be co-opted. A local council should assess if a proposed candidate has the skills expected and or has any additional expertise or areas of interest which will assist the council exercise their various functions.

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

- they are 18 or over; and
- they are 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:

- they are an elector for the Parish and continues to be an elector; or
- has resided in the Parish for the past twelve months or rented/tenanted land in the Parish; or
- has had his/her principal or only place of work in the Parish for the past twelve months; or
- has lived within three miles of the Parish for the past twelve months.

There are certain disqualifications for being a parish councillor, of which the main are (see s80 of the Local Government Act 1972):

- holding a paid office or employment under the Parish Council;
- 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 preceding five years; or
- being disqualified under any enactment relating to corrupt or illegal electoral practices.

Candidates found to be offering inducements of any kind will be disqualified.

APPLICATIONS

Candidates will be requested to:

- **Submit information about themselves, by way of completing a short application form (a copy of the application form is attached as Appendix A);**
- **Confirm their eligibility for the position of parish councillor within the statutory rules, (a copy of the eligibility form is attached as Appendix B).**

Candidates will be provided with a copy of this policy.

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.

All applicants will be sent copy of the following documents:

- A full agenda of the meeting at which they are to be considered for appointment.
- A copy of the Code of Conduct,
- A Copy of NALC's Good Councillor's Guide
- A Copy of the Parish Council's Standing Orders and Financial Regulations.

Candidates will also be informed that they will be invited to speak about their application at 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

At the Council meeting considering the co-option, the chairman will adjourn the meeting to allow each candidate to speak. Applicants will be given ten minutes' (each) maximum to introduce themselves to the Members, give information on their background/experience and explain why they wish to become a Member the Parish Council.

Once each candidate has spoken, the chairman shall reconvene the meeting and **ask the candidates, having resolved to exclude the members of the public and press, to leave the room so that the Council can discuss the merits of each applicant and their personal attributes** (where the Parish Council is discussing the merits of candidates this could be prejudicial). The Clerk shall remain to take minutes and advise on any legal matters.

At this point, the Parish Council will proceed to a vote with each candidate being proposed and seconded by the councillors in attendance (as defined in the Standing Orders) and a vote by a show of hands (LGA 1972 Sch. 12. Para 13).

A recorded vote may be requested under Standing Orders, so as to show whether each councillor present and voting, gave their 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 than two candidates and there is no candidate 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. In the case of an equality of votes, the Chairman of the meeting has a second, casting vote.

However, if the Council has declared that none of the applicants are suitable, the Council does not have to appoint them and will re-advertise the vacancy for fresh candidates repeating the procedure.

Following the conclusion of any voting, the Chairman will allow each candidate to re-enter the room in turn, but the members of the press and public are still excluded. This is to allow the Council to either decline the applicant or offer to co-opt the candidate to the Council. Once each candidate has been seen. The Chairman will re-admit the members of the press and public. Or if the co- option meeting has been held as a separate meeting and candidates have left after their 10 minutes the decision will be given to applicants by the Clerk within 5 working days.

The chairman will declare the successful candidate(s) duly elected and after the clerk has arranged for the successful candidate (s) to sign their declaration of acceptance of office, may take their seat immediately or attend the first available Council meeting depending on the format of the selection meeting process .

The Clerk will notify Sevenoaks District Council Electoral Services Office of the new Councillor appointment. The successful candidate(s) must complete the 'registration of interests' forms within 28 days of being elected. The clerk will pass this to the new member(s) to complete. The form must then be handed to the Clerk for forwarding to the Monitoring Officer at the District Council.

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

Is there any other information you would like to disclose regarding your application? (If necessary, please continue on a separate sheet).

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

If you have any questions relating to your application, please contact the Clerk.

Please complete and return this form, together with the completed Co-option Eligibility Form to:

Clerk & Responsible Financial Officer
The Parish Office
The Pavilion
Gamecock Meadow
London Road
West Kingsdown
Sevenoaks
Kent
TN13 2UR

Telephone: 01474 853286

Email: wkpclek@gmail.com

WEST KINGSDOWN PARISH COUNCIL CO-OPTION ELIGIBILITY FORM

- 1. In order to be eligible for co-option as a West Kingsdown Parish Councillor you must satisfy certain criteria. You must satisfy (a) and (b) below and at least one of the options (c) – (f). Please tick which apply to you:**

1. I am 18 years of age or over; and	
2. I am a British citizen or a citizen of the Commonwealth or a citizen of any other member state of the European Union; and	
3. I am registered as a local government elector for the parish; or	
4. 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	
5. My principal or only place of work during those twelve months has been in the parish; or	
6. 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 they:**
- 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;
 - 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.

Use of Personal Information

The Parish Council will use the information provided on this form to assess your eligibility to be a parish councillor.

Declaration & Consent

I..... hereby confirm that I am eligible for the vacancy of West Kingsdown 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.

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 form.

Signature..... Name.....

Date.....

(see notes for more information before completing this form).

Notes

(Source: NALC & DGPC)

Being a councillor

What is a councillor?

Councillors are elected to represent an individual geographical unit on the council, known as a ward or - mainly in smaller parishes - the entire parish or town council area. They are generally elected by the public every four years.

What do councillors do?

Councillors have three main components to their work.

1. *Decision making* - Through meetings and attending committees with other elected members, councillors decide which activities to support, where money should be spent, what services should be delivered and what policies should be implemented.
2. *Monitoring* - Councillors make sure that their decisions lead to efficient and effective services by keeping an eye on how well things are working.
3. *Getting involved locally* - As local representatives, councillors have responsibilities towards their constituents and local organisations. These responsibilities and duties often depend on what the councillor wants to achieve and how much time is available, and may include:
 - Going to meetings of local organisations such as tenants' associations.
 - Going to meetings of bodies affecting the wider community.
 - Taking up issues on behalf of members of the public.
 - Running a surgery for residents to bring up issues.
 - Meeting with individual residents in their own homes.

Visiting your council is the best way to find out what happens there. Give the council a call and find out when its next public meeting happens. By law, ordinary people are allowed to be present at most council business.

How much time does it take up?

Quite often councillors say that their duties occupy them for about three hours a week. Obviously there are some councillors who spend more time than this - and some less, but in the main, being a community, parish and town councillor is an enjoyable way of contributing to your community, and helping to make it a better place to live and work.

Am I qualified?

To be qualified to be elected a member of a parish council a person must be 21 years of age or over, and a British subject or citizen of the Republic of Ireland, and either:-

- (i) be a local government elector of the parish,
or
- (ii) have during the whole of the twelve months preceding the day on which s/he is nominated as a candidate occupied as owner or tenant any land or other premises in the parish;
or
- (iii) her/his principal or only place of work in the twelve months preceding the day on which s/he is nominated as a candidate have been in the area of the parish;
or
- (iv) have resided either in the parish or within 3 miles thereof during the whole of the 12 months preceding the day on which s/he is nominated as a candidate.

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

- (a) holding a paid office under the local authority;
- (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 five years preceding the election; and
- (d) being disqualified under any enactment relating to corrupt or illegal practices.

CO-OPTION

There are no statutory rules regarding co-option of members. The Parish Council may choose who they like but the person must be qualified to be a candidate (see information above & extract below).

There are several methods of co-opting used by Councils but the most popular is one whereby the Council puts up a notice in various places, within the Parish, inviting anyone interested to write to the Parish Council, giving reasons why he or she would like to be co-opted onto the Council.

The Clerk then reports any letters to the Council and invites applicants to appear at the next Council meeting or stand alone co option meeting for an interview.

West Kingsdown Parish Council would prefer prospective candidates to attend at least one Parish Council meetings in order to familiarise themselves with the work of the Council, if at all possible. It should also be noted that the majority of communication between the Clerk and the Council is by email. This is due to the sheer volume of information that is received by the Council in that format and to ensure that the overheads of the Parish Council are minimised where possible.

Newly co-opted members are required to complete a Declaration of Acceptance of Office, a Disclosable Pecuniary Interests form and Non-Pecuniary Interests form. All members must agree to abide by a Code of Conduct. West Kingsdown Parish Council expects its members to conduct themselves in accordance with The Ten General Principles (The Nolan Principles) governing conduct (please see appendix).

Election of Councillors

Extracts from the LOCAL GOVERNMENT ACT 1972 - Part V (as amended)

Disqualifications for election and holding office as member of local authority.

Section 80

- (1) Subject to the provisions of section 81 below, a person shall be disqualified from being elected or being a member of a local authority if he-
 - (a) holds any paid office or employment (other than the office of chairman, vice-chairman or deputy chairman) appointments to which are or may be made or confirmed by the local authority or any committee or sub-committee of the authority or by a joint committee on which the authority are represented or by any person holding any such office or employment; or
 - (b) is a person who has been adjudged bankrupt, or made a composition or arrangement with his creditors; or
 - (c) has within five years before the day of election or since his election been convicted in the United Kingdom, the Channel Islands or the Isle of Man of any offence and has had passed on him a sentence of imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine; or
 - (d) is disqualified for being elected or for being a member of that authority under Part III of the Representation of the People Act 1983 or under Part III of the Local Government Finance Act 1982.
- (2) Subject to the provisions of section 81 below, a paid officer of a local authority who is employed under the direction of-
 - (e) a committee or sub-committee of the authority any member of which is appointed on the nomination of some other local authority; or
 - (f) a joint board, joint authority or joint committee on which the authority are represented and any member of which is so appointed; shall be disqualified for being elected or being a member of that other local authority.
- (3) Teachers in a school maintained but not established by a local education authority shall be in the same position as respects disqualification for office as members of the authority as teachers in a school established by the authority.
- (5) For the purposes of subsection (1)(d) above, the ordinary date on which the period allowed for making an appeal or application with respect to the conviction expires or, if such an appeal or application is made, the date on which the appeal or application is finally disposed of or abandoned or fails by reason of the non-prosecution thereof shall be deemed to be the date of conviction.

Exceptions to provisions of section 80

Section 81

- (1) Where a person is disqualified under section 80 above by reason of having been adjudged bankrupt, the disqualification shall cease-
 - (g) unless the bankruptcy order made against that person is previously annulled, on his discharge from bankruptcy; and
 - (h) if the bankruptcy order is so annulled, on the date of annulment.
- (2) Where a person is disqualified under section 80 above by reason of his having made a composition or arrangement with his creditors and he pays his debts in full, the disqualification shall cease on the date on which the payment is completed and in any other case it shall cease on the expiration of five years from the date on which the terms of the deed of composition or arrangement are fulfilled.
- (4) Section 80(2) and (3) above shall not operate so as to disqualify any person by reason of his being a teacher, or otherwise employed, in a school or other educational institution maintained or assisted by a county council for being a member of a district council by reason that the district council nominates members of the education committee of the county council.

Appendix: The Ten General Principles (The Nolan Principles)

Selflessness

1. Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

Honesty and Integrity

2. Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

Objectivity

3. Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability

4. Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

Openness

5. Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

Personal Judgement

6. Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

Respect for Others

7. Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers, and its other employees.

Duty to Uphold the Law

8. Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

Stewardship

9. Members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.

Leadership

10. Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.