

# Kenwyn Parish Council Co-Option Policy

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Kenwyn Parish Council

Co-Option Policy

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## **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 Kenwyn Parish Council. The Co-Option procedure is entirely managed by Kenwyn Parish Council and this policy ensures a fair and equitable process is carried out.

1.2 Whenever the need for co-option arises Kenwyn Parish Council will seek and encourage applications from those who meet the qualifying criteria and are eligible to stand as a councillor. Councillors can legally approach individuals to suggest they may wish to apply.

1.3 All vacancies will be advertised on the parish council noticeboard and website.

1.4 The advertisement to co-opt will include:

- The method by which applications can be made
- The closing date for all applications
- A contact point to obtain more information

1.5 The co-option policy will be reviewed every four years

## **2. Co-Option (Stage 1)**

2.1 The co-option of a parish councillor occurs when a casual vacancy has arisen on the council and no by election has been called. 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 consecutive months to attend meetings of a council, committee or sub-committee or to attend as a representative of the council at a meeting of an outside body

2.2 The Parish Council must notify Cornwall Council of a Casual Vacancy and then advertise the vacancy and give electors the opportunity to request an election. This occurs when ten or more electors write to Cornwall Council stating that an election is requested.

2.3 If ten or more residents do not request a by election within fourteen days of the vacancy being posted, as advised by Cornwall Council, Kenwyn Parish Council is able to co-opt a councillor

2.4 On receipt of written confirmation from Cornwall Council Electoral Services the vacancy can be filled by co-option. The Clerk will:

- Advertise the vacancy for four weeks on the Council notice boards and website
- Advise the council that the co-option policy has been instigated

### 3. Co-Option (Stage 2)

3.1 Insufficiency of candidates at an ordinary election also provide the 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 said ordinary election.

### 4. Eligibility of Candidates

4.1 The Parish Council can consider any person to fill a vacancy provided that:

- He/she is an elector for the parish; or
- has resided in the parish for the past twelve months or rented/tenanted land in the parish; or
- had his/her principal place of work in the parish; or
- has lived within three miles (direct) of the parish
- Expressions of interest rather than proper applications will not be considered

4.2 There are certain disqualifications for election, of which the main are (Local Government Act 1972)

- 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; and
- being disqualified under any enactment relating to corrupt or illegal practices

4.3 Eligibility of the candidate(s) will be confirmed by the Clerk

4.4 All eligible candidates shall be invited by letter to attend the next suitable and available full council meeting following the application deadline. This may not be the next full council meeting however. If the candidates are unable to attend, this meeting will not be rearranged.

### 5. Applications

5.1 To assist candidates **Appendix A** provides a guide to those criteria that the parish council would expect from parish councillors. This list is not exhaustive but provides candidates with some guidance on areas they may wish to include in their application forms.

5.2 Candidates will be requested to:

- Confirm their eligibility for the position of Councillor within the statutory rules (a copy of the Eligibility Form is attached at **Appendix B**)
- Submit information about themselves, by way of completing a short application form (a copy of the application form is attached at **Appendix C**)

5.3 Following receipt of applications, the next suitable council meeting will have an agenda item 'To Co-Opt a Parish Councillor to fill the vacancy on ..... Ward'

**5.4 Copies of the candidate's applications will be circulated to all Councillors by the Clerk at least 3 clear days prior to the meeting of the full council when the Co-Option will be considered. All such documents will be treated by the Clerk and all Councillors as *Strictly Private and Confidential*.**

## **6. At the Co-Option Meeting**

- 6.1 At the co-option meeting candidates will be given an appointment time and will be asked to adhere to that time so there will be no overlap of applicants. Each candidate will have an opportunity to introduce themselves to members, give information on their background and experience and explain why they wish to join Kenwyn Parish Council.
- 6.2 After the presentation, members may ask the candidate a few questions. The candidate will be thanked for attending the meeting and advised the outcome of the interview will be conveyed to him/her in writing. The Clerk will issue those decision letters and offer feedback as soon as practicable after the meeting.
- 6.3 A fifteen minute break will be taken between interviews to prevent any overlap and to allow members an opportunity to discuss each applicant.
- 6.4 Once all the candidates have been interviewed the council will proceed to vote. (If a candidate is unable to attend the meeting, this process will still take place and voting will subsequently be based on this meeting and the application form)
- 6.5 The voting process will be carried out in the public session. A secret ballot may be held if more than half the council request it. In this case the ballot papers will be blank sheets of paper and councillors will write either 'For' or 'Against'. The Chairman and Clerk will count the ballot papers and announce the results. In order for a candidate to be elected to the council it will be necessary for them to obtain an absolute majority of votes cast (50% + 1 of the votes available at the meeting).
- 6.6 If a candidate is a relative of a Councillor, that Councillor should declare a prejudicial interest and withdraw from the meeting
- 6.7 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.
- 6.8 Only councillors present at the meeting may vote upon a person to fill this vacancy. Councillors will have one vote per vacancy to be filled. The Chair has the casting vote.
- 6.9 The Clerk will notify Electoral Services of the new Councillor appointment, initiate 'acceptance of office' paperwork and 'registration of interests' within 28 days of being elected.

6.10 If insufficient candidates come forward, or no candidate is elected, the process should continue whereby the vacancies are advertised again. The Council does not have to accept any candidate even if there is only one Candidate for one position.

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6.10 The Council is not obliged to fill all vacancies but must take steps to advertise for further co-options or hold an election (where applicable) to fill vacancies.

6.11 Any candidate(s) found to be offering inducements of any kind will be disqualified.

## **7. Elected Councillors (Co-Option)**

7.1 Successfully co-opted candidates become councillors in their own right, with immediate effect, and are no different to any other member. They will be asked to sign the Declaration of Office at the next meeting.

7.2 Co-opted members will, once they have signed the Declaration of Acceptance of Office and agreed to be bound by the Local Government Code of Conduct, take their seat at Council and are then able to be appointed to a committee and/or as a representative to local organisations.

7.3 Any application can be considered in a candidate(s) absence, but if successful, members would need him or her to sign the Declaration of Acceptance of Office at the next Council Meeting.

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## CO-OPTION CRITERIA

**Name of Local Council: Kenwyn Parish Council**

**Description of Office: Kenwyn Parish Councillor**

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

**CO-OPTION ELIGIBILITY FORM**

- Are you a British subject, citizen of the Commonwealth or Citizen of the European Union? **YES/NO**
- On the 'relevant date' (i.e. the day on which you are nominated or if there is a poll the day of the election) are you 18 years of age or over? **YES/NO**

<b>PLEASE INDICATE BELOW WHICH APPLY TO YOU</b>	
a) I am registered as a local government elector for the parish of Kenwyn	<b>YES/NO</b>
b) 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	<b>YES/NO</b>
c) My principal or only place of work has, during the whole of the twelve months preceding my co-option, been in the parish	<b>YES/NO</b>
d) I have during the whole of twelve months preceding my co-option lived in the parish or within 3 miles of it	<b>YES/NO</b>

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 a local council if specific criteria are not met:

- a) Are you an employee of Kenwyn Parish Council? **YES/NO**
- b) Are you the subject of a bankruptcy restrictions order or interim order? **YES/NO**
- c) Have you within the last five years been convicted of an offence in the UK, Channel Islands or Isle of Man which resulted in a sentence of imprisonment (whether suspended or not) for a period of three months or more without the option of a fine? **YES/NO**

**DECLARATION**

I.....**hereby confirm that I am eligible for the vacancy of Kenwyn Parish Councillor and the information given on this form is a true and accurate record.**

Signed.....

Print.....

Date.....

**KENWYN PARISH COUNCIL  
CO-OPTION APPLICATION FORM**

<b>NAME</b>	
<b>ADDRESS</b>	
<b>TELEPHONE NUMBER</b>	
<b>EMAIL ADDRESS</b>	
<b>Please tell us something about what experience you can bring to Kenwyn Parish Council, e.g. previous local government experience, work in the voluntary or charitable sector, business or professional experience (please continue on an additional page if required).</b>	

**Please tell us something about the skills you can bring to the Council, for example; professional qualifications, financial or project management expertise (please continue on additional pages if required)**

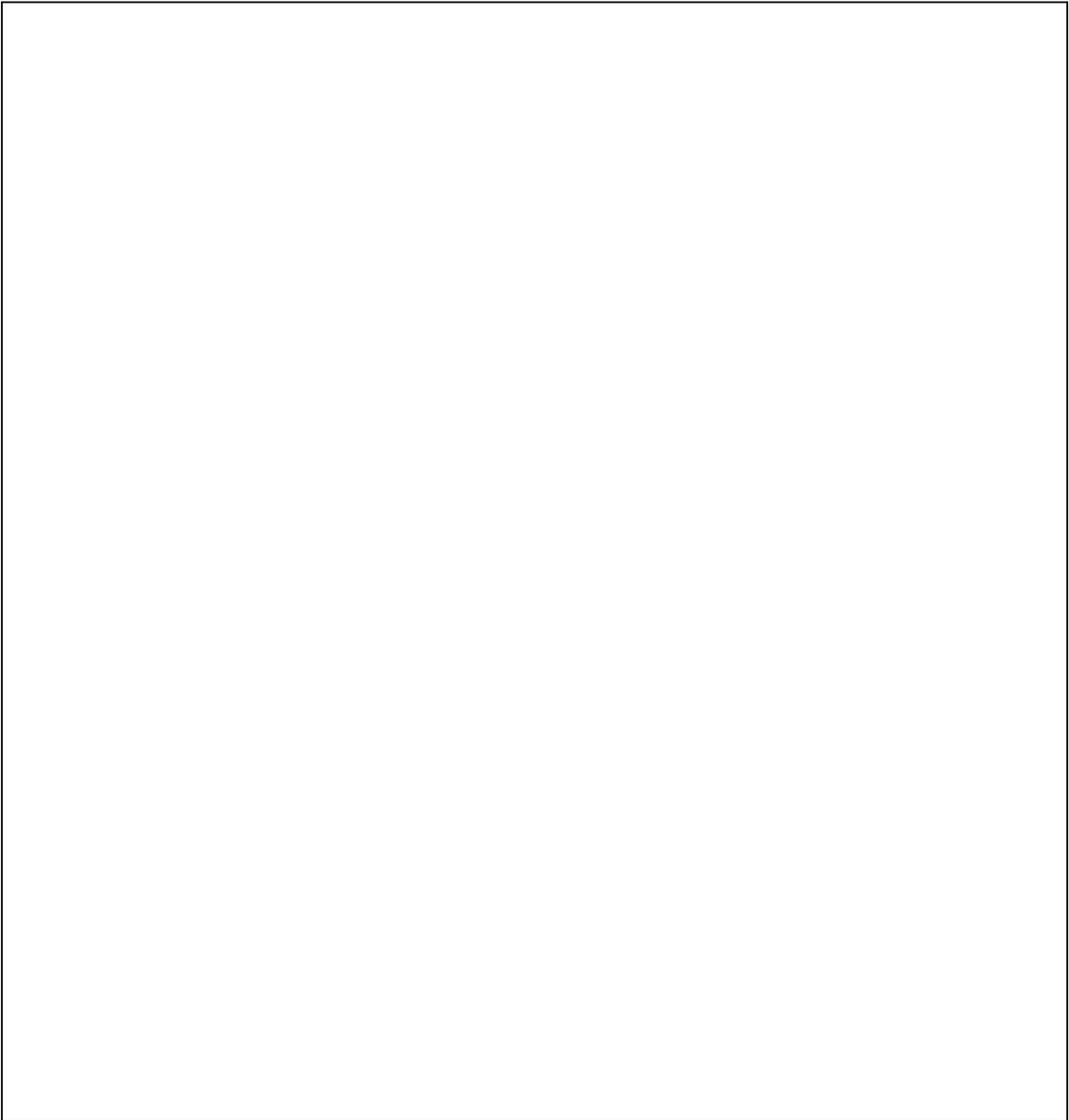
**Please explain why you are interested in becoming a Parish Councillor?**

A large, empty rectangular box with a thin black border, occupying most of the page. It is intended for the applicant to provide additional information or supporting documents.

**Please include any other information you would like to add in support of your application?**

**(please continue on an additional page if required)**

**Are there any questions you would like to ask the Parish Council?**



Signed.....

Print.....

Date.....