

# EFFINGHAM PARISH COUNCIL

## STATEMENTS OF GUIDANCE AND POLICY

### 14. Councillor Co-option Policy

#### **Variations to policy during pandemics:**

During a pandemic, the parish council may decide it necessary to implement alternative secret voting methods, to that of a secret physical ballot.

#### 1. Introduction

This policy sets out the process to ensure that there is compliance with legislation and continuity of procedures in the co-option of councillors to the Effingham Parish Council (EPC).

#### 2. Co-option

The co-option of a parish councillor occurs when a casual vacancy has arisen on the council and no poll (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 (6) months to attend Ordinary Meetings of the council.

EPC has to notify Guildford Borough Council (GBC) of a Casual Vacancy and then advertise the vacancy and give electors the opportunity to request an election. This occurs when ten electors notify GBC stating that an election is requested.

If a by-election is called, a polling station will be set up by GBC and the electors will be asked to vote for candidates who will have put themselves forward by way of a nomination paper. 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.

If ten residents do not request a ballot within fourteen days of the vacancy notice being posted, as advertised by GBC, EPC is able to co-opt.

If, following an ordinary election there are insufficient persons nominated to fill all the available seats, the parish has 35 working days from the date of the election to co-opt persons to fill those vacancies without the necessity of advertising for a potential by-election.

### 3. Confirmation of Co-option

On receipt of written confirmation from the Electoral Services Office of GBC, that the casual vacancy can be filled by means of co-option, or if there are vacancies following an ordinary election, the parish clerk will:

- Advertise the vacancy for three weeks on the council notice boards and website;
- Advise EPC that the Co-option Policy has been instigated.

EPC 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 that apply.

However, despite this it is not desirable that electors be left under represented for a significant length 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 to achieve meeting quorums without difficulty.

Councillors elected by co-option are full members of EPC.

### 4. Eligibility of Candidates

EPC may consider any person to fill a vacancy provided that:

- He/she is an elector of the parish; or
- has resided in the parish for the past twelve months or rented/tenanted land or other premises in the parish; or
- has his/her principal place of work in the parish; or
- lives within three miles (direct) of the parish.

There are certain disqualifications for election, of which the main ones 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; and
- Being disqualified under any enactment relating to corrupt or illegal practices.

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

### 5. Applications

Councillors may point out the vacancies and the process to any qualifying candidate(s).

Although there is no Statutory Requirement to do so candidates will be requested to:

- Submit information about themselves by way of completing a short application form (Appendix A)
- Confirm their eligibility for the position of councillor within the statutory rules (Appendix B)
- As Effingham parish is warded, confirm whether or not they are content to be co-opted for either ward where there is a vacancy

At the close of the three-week advertisement period, a working group comprising the Chairman, Vice-Chairman and one other councillor will meet, together with the Clerk, to review all applications

received and ensure they are valid. The working group may, at their discretion, invite candidates for an informal interview. The working group will then prepare a brief confidential report for EPC to consider, listing the valid applications and commenting on any interviews that may have been conducted. The comments resulting from an interview will be made available to the candidate concerned.

Following receipt of applications, the next suitable EPC meeting will receive written applications for the office of Parish Councillor and Co-opt a candidate to fill the existing vacancy(s). Copies of application forms and the working group report will be circulated to all Councillors by the Clerk. All such documents will be treated as strictly confidential by the Clerk and Councillors.

Candidates will be informed of the meeting at which they are to be considered for appointment and will also be informed that they will be invited to speak about their application at the meeting, if they so wish.

#### 6. At the Co-option Meeting

At the Co-option meeting, candidates wishing to address the Council will be given five minutes maximum to introduce themselves to councillors, give information on their background and experience and explain why they wish to become a councillor. As soon as all candidates have finished giving their submissions, and if the Council wishes to discuss the merits of the candidate(s), the Council will then resolve to exclude the members of the press and public. This discussion will remain confidential.

When the press and public have been readmitted, the Council will proceed to vote on the acceptability of each candidate by secret ballot, using ballot papers prepared in advance by the Clerk. Each councillor will be able to vote for as many candidates as there are vacancies or may choose not to use all their votes.

In order for a candidate to be elected to EPC it will be necessary for them to obtain an absolute majority of votes cast by councillors (that is, 50% plus 1 of the votes of councillors present at the meeting). The Clerk and the Chairman of the meeting will count the votes, and the candidates may observe the count if they wish.

If there are more candidates than the number of vacancies, and there are no candidates with an overall majority in the first round of voting, the candidate with the fewest 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.

Candidates getting more than 50% of votes from the councillors present are elected. The process continues until all vacancies are filled or until it is clear that no candidate, or no further candidate, is going to exceed 50% plus 1 of votes cast by councillors. If this happens the position(s) will not have been filled and the co-option process for the remaining vacancy(s) will start again from scratch with vacancies being advertised once again.

In the case of an equality of votes the Chairman of the meeting has a casting vote.

After the vote has been concluded the Chairman will declare the successful candidate(s) duly elected and, after signing their Declaration of Acceptance of Office, the new parish councillor(s) will take their seat.

The Clerk will notify GBC Electoral Services of the new appointment. The successful candidate(s) must complete their 'Registration of Interests' within 28 days of being elected. The form should be handed to the Clerk for forwarding to the Monitoring officer.

If insufficient candidates come forward for co-option the process should continue, whereby the vacancies are advertised again.

EPC is not obliged to fill any vacancy and a candidate not receiving 50% plus 1 of the votes of parish councillors present will not be co-opted.

**APPENDIX A**

**Application for Co-option**

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

<b>Full name &amp; Title</b>	
<b>Home Address</b>	
<b>Home Telephone</b>	
<b>Mobile Telephone</b>	
<b>Email Address</b>	
<b>Are you willing to be co-opted for either Ward?</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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<b>Signature</b>	
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Your application also requires signatures of 2 registered electors (known as a proposer and seconder) from the parish area:

	<b>Proposer</b>	<b>Seconder</b>
<b>Name</b>		
<b>Address</b>		
<b>Signature</b>		

Please return your completed application to the Clerk to the council. Your application will be considered at the next available Council meeting where a vote will be held to decide whether the Council agrees to co-opt you onto Effingham Parish Council.

**Data Protection Act: The information provided on this application will remain private and confidential and will only be used for the purpose intended.**

**APPENDIX B**

**Co-option Eligibility Form**

1. In order to be eligible for co-option as an Effingham Parish Councillor you must be a British subject, or a citizen of the Commonwealth or the European Union; and on the 'relevant date' (i.e. the day on which you are nominated or if there is a poll, the day of the election) 18 years of age or over; and additionally able to meet one of the following qualifications set out below. Please tick which applies to you:

- a) I am registered as a local government elector for the parish; or
- 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; or
- c) My principal or only place of work during those twelve months has been within the parish; or
- d) I have during the whole twelve months resided in the parish or within 3 miles of it

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

- 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; or
- b) Is a person who has been adjudged bankrupt or has made a composition or arrangement with his/her creditors (but see below); or
- 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; or
- d) Is otherwise disqualified under Part III of the representation of the People Act 1983 for corrupt or illegal practices.

This disqualification for bankruptcy ceases in the following circumstances:

- i. If the bankruptcy is annulled on the grounds that either person ought not to have been adjudged bankrupt or that his/her debts have been fully discharged;
- ii. If the person is discharged with a certificate that the bankruptcy was caused by misfortune without misconduct on his/her part;
- iii. If the person is discharged without such a certificate.

In i and ii above, the disqualification ceases on the date of the annulment and discharge respectively.

In iii, 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 Effingham Parish Councillor, and the information given on this form is true and accurate record.

Signature.....

**Data Protection Act: The information provided on this application will remain private and confidential and will only be used for the purpose intended.**

## APPENDIX C

### CO-OPTED COUNCILLOR PERSON SPECIFICATION

<b>COMPETENCY</b>	<b>ESSENTIAL</b>	<b>DESIRABLE</b>
<b>Personal Attributes</b>	Sound knowledge and understanding of local affairs and the local community	Can bring a new skill, expertise or key local knowledge to the Council
<b>Experience, Skills, Knowledge and Ability</b>	<p>Ability to listen constructively</p> <p>A good team player</p> <p>Ability to pick up and run with a variety of projects</p> <p>Solid interest in local matters</p> <p>Ability and willingness to represent the Council and their community</p> <p>Good interpersonal skills and able to contribute opinions at meetings whilst willing to see others views and accept majority decisions</p> <p>Ability to communicate succinctly and clearly</p> <p>Ability and willingness to work closely with other members and to maintain good working relationships with all members and staff</p> <p>Ability and willingness to work with Council's partners (e.g. voluntary groups, other parish Councils, principal authority, charities)</p>	<p>Experience of working with voluntary and or local community/interest groups</p> <p>Basic knowledge of legal issues relating to town and parish Councils or local authorities</p> <p>Experience of delivering presentations</p> <p>Able to you IT and participate in the council's systems</p>
<b>Availability</b>	Availability and willingness to attend meetings of the Council in the evening and at weekends	