

STANION PARISH COUNCIL

CO-OPTION POLICY AND PROCEDURE

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Amended May 2019

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Document Information

1. **Master Document:** The electronic version of this document is the master. Printed copies may not contain the latest changes and should not be relied upon. The master document is published on the Stanion Parish Council (SPC) Website.
2. **Purpose:** The purpose of this Policy and Procedure is to provide governance to the co-option process and outline the procedure for councillors and staff of SPC to follow when processing and considering applications for co-option as a Stanion Parish Councillor.
3. **Distribution:** This procedure will be disseminated to all SPC councillors and SPC staff, and will be made available on the SPC Website via the SPC Publication Scheme.
4. **Implementation:** This Policy and Procedure will be implemented following consideration and adoption by the full Council.
5. **Review:** This document will be reviewed three years after its adoption, unless there are significant changes in legislation or recommended best practice guidelines, in which case it will be reviewed earlier to comply with the statutory or recommended changes.
6. **EIA Requirement:** An Equality Impact Assessment has been carried out.
7. **Financial Implications:** This Policy and Procedure has no financial implications for SPC.

Policy Statement

8. This Policy is a formal, strategic level document, which provides a statement of intent explaining how SPC will comply with the legislation and any related directives of its subject matter.

9. This is a mandatory document and does not allow for variations of practice. It is relevant to all members of SPC, staff employed by SPC, and all candidates applying for co-option to SPC. Non-compliance with this Policy may result in formal complaints being registered and/or disciplinary action.

10. The Policy provides a corporate framework on which the Co-option Procedure has been developed. It will be reviewed by a nominated councillor every three years unless there are changes in legislation, directives, or recommended best practice guidelines that warrant earlier review and amendment. All amendments require the agreement of the full council and for agreement to be formally recorded.

11. An Equality Impact Assessment has been carried out on this Policy.

Duty to Undertake an Equality Impact Assessment

12. Public sector organisations have a legal duty under Section 149 of the Equality Act 2010 to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity between different groups; and foster good relations between different groups. Due regard comprises proportionality and relevance.

The EIA Tool

13. An Equality Impact Assessment (EIA) is a tool to ensure we don't unwittingly exclude anybody from accessing the services we provide. Undertaking an EIA involves assessing the likely effects of our policies on people according to their 'protected characteristics'.

These are:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy
- maternity
- race

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- religion and belief
- sex
- sexual orientation

14. An EIA should be applied to a Policy, Strategy, Plan, Function, Project, Service, and Event. EIA's help to identify any inequalities in the provision of services, employment or procurement practices, and minimise the risk of exposure to claims of discrimination.

Introduction

15. This Policy establishes a procedure to ensure compliance with legislation¹ and provide transparency and consistency in the method by which candidates are considered for co-option to SPC. The method outlined in this document provides a standardised transparent process, which ensures that a fair and equitable approach in the method of selection is undertaken in all instances. The co-option procedure is managed entirely by SPC.

Co-option in General

16. Co-option of a Parish Councillor occurs when a casual vacancy has arisen on the Council and no Poll (a by-election) has been called.

17. A casual vacancy occurs when one of the following conditions is met:

- A Councillor fails to make his/her declaration of acceptance of office at the proper time
- A Councillor resigns
- A Councillor dies
- A Councillor becomes disqualified
- A Councillor fails for 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

18. SPC is required to notify Corby Borough Council (CBC) of the existence of a casual vacancy and to advertise the vacancy on the notice boards in the Village and on the SPC Website to give electors the opportunity to request an election.

19. The vacancy notice is posted for a period of 14 days, (*not including week-ends, bank holidays and other notable days*) during which time the electors may call for a by-election to be held. This occurs when ten electors write to the Borough Council stating that an election

¹ While there is no legal procedure identified in the LGA '72 Act relating to the co-option process, certain elements of the Act are relevant and binding, (e.g. LGA 1972, Part V, (4) (b) regarding signing the Declaration of Acceptance Form).

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is requested. The Electoral Officer at CBC will notify the SPC Proper Officer of the closing date for the time period.

20. If a by-election is called, a polling station will be set up by Corby Borough Council and the electors of the Parish will be asked to go to the polls to vote for candidates who have put themselves forward by way of a nomination paper. If more than one candidate is nominated a by-election takes place, but if only one candidate is nominated, they are duly elected without a ballot. SPC are required to pay the costs of the election.

21. If after the prescribed timeframe, a by-election has not been called, SPC are given authority by the Borough Council to co-opt into the vacant councillor post.

22. Following receipt of written confirmation from the Borough Council Electoral Services Office, an advertisement for the casual vacancy is required to be posted on the Village notice boards and on the SPC Website for a period of 4 weeks. The SPC Proper Officer will advise the Council that the Co-option Policy has been instigated and arrange for the vacancy notice to be advertised.

23. A person is eligible to be co-opted provided that he/she is qualified to be a councillor pursuant to s79 of the LGA 1972 and is not disqualified pursuant to s.80 of the LGA 1972. While SPC is not obliged to fill any vacancy or select from any of the candidates who apply for co-option, *(even if the Council invites applications for co-option)* it is highly undesirable to carry vacancies for long periods of time, which may result in electors being partially or fully under represented, and insufficient numbers of councillors, with a broad cross-section of skills, available to share the workload of the Council, or achieve meeting quorums without difficulty.

24. Councillors elected by co-option are full members of SPC, and upon signing the Declaration of Acceptance of Office form, duly witnessed, are entitled to immediately take their seat as a Councillor.²

Candidate Eligibility

25. SPC may 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 or other premises in the Parish, or
- Had his/her principal place of work in the Parish, or
- Has lived within three miles (direct) of the Parish

² LGA 1972 Part V s83 (4) (b)

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26. There are certain disqualifications for election, the main being³:

- Holding a paid office in 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 practices

27. Any candidate discovered offering inducements of any kind will be disqualified.

Applications

28. It is acceptable for members of SPC to point out vacancies and the process for co-option to any qualifying candidates.

29. While there is no statutory requirement to do so, SPC require candidates for co-option to SPC to do the following:

1. Provide information about themselves by way of a short application form (see *Appendix A*), and,
2. Confirm their eligibility for the position of Councillor within the statutory rules (see *Appendix B*)

30. Following receipt of an application(s), an Agenda item '*To receive written applications for the office of Parish Councillor and to Co-opt a candidate to fill the existing vacancy/vacancies*' will be added to the next suitable meeting of the full Council.

31. Copies of candidates' applications are to be circulated to all SPC councillors by the Proper Officer at least 3 clear days prior to the meeting of the full Council, at which applications for co-option will be considered. These documents are to be treated by the Proper Officer and all councillors as **Strictly Private** and **Confidential**.

32. At the same time, the Proper Officer is required to send all candidates a copy of the full Agenda for the meeting at which they will be considered for appointment, along with a copy of the Code of Conduct, SPC Standing Orders and the Financial Regulations, and to inform candidates that they will be invited to speak about their application at the meeting.

The Co-option Agenda Item

³ LGA 1972 s.80

33. The process will be carried out by adjourning the meeting to enable candidates to speak. Candidates will be given a maximum of five minutes to introduce themselves to the Council, outline their background and experience, and explain why they wish to become a member of SPC.

34. It will be difficult to justify excluding the press or public during a council meeting when deciding about a matter of public interest, such as co-option. And, even if the press and public are excluded from that part of the meeting, SPC will still be required to explain to unsuccessful candidates, their reasons for its decisions⁴. Therefore, SPC is required to carefully consider the impact of any public discussion regarding the merits of each candidate, including their personal attributes, to minimise the risk of prejudicial comments being made.

35. Following the end of candidate submissions, the Council will undertake a vote of the acceptability of each candidate utilising the Person Specification criteria, set out at Annex C, and consider any personal statements provided by the candidates in support of their application.

36. Each candidate is required to be proposed and seconded by a councillor in attendance, and voting undertaken by a show of hands.

37. Voting will be recorded in the Minutes to show whether each councillor present gave their vote for or against the question.

38. In order for a candidate to be elected to SPC, it will be necessary to obtain an absolute majority of votes cast. (50% + 1 of the votes available at the meeting).

39. 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 be excluded, and further rounds of voting take place, with the process repeated until a candidate has an absolute majority.

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

41. At the conclusion of the voting process, the Chairman will declare the successful candidate duly elected, and following the candidate signing the Declaration of Acceptance of Office form, will invite them to immediately take their seat on SPC.

42. Following the declaration by the Chairman, the Proper Officer will provide the new councillor with a Registration of Interest form (*which must be completed within 28 days of being elected*). The form may be completed at that time, or at any time within the prescribed timeframe. Following completion and receipt of the form, the Proper Officer will notify the

⁴ NALC Legal advice

Borough Council Monitoring Officer of the new Councillor appointment and forward to him/her the completed Registration of Interest form.

43. All other general administration forms and information will be provided to the new councillor by the Proper Officer before conclusion of the Council meeting at which they are co-opted.

44. If insufficient candidates apply for co-option, the process is to be re-started, with the vacancy/vacancies re-advertised.

Equality Impact Assessment

Indicate whether the Policy has a different impact (either positive or negative) on different groups, and if so, what action may be, or is required to be taken to minimise or eliminate the inequality	
Race (Race)	No Impact
Women and Men (Sex)	No impact
People in religious/faith groups (Religion & Belief)	No impact
Disabled people (Disability)	No impact
Older people, Young people (Age)	No impact
Lesbian, Gay & Bisexual people (Sexual Orientation)	No impact
Transgender people (Gender Reassignment)	No impact
Marriage and Civil Partnership (Marriage)	No impact
Pregnancy (Pregnancy)	No impact
Maternity (Maternity)	No impact
Outcome: No inequality detected	
Action Plan: No action required	

APPENDIX A

Application for Co-option

Thank you for your interest in becoming a Stanion Parish Councillor. To assist the Parish Council in considering your application, please provide the information requested below.

Title & Full Name	
Home Address	
Home Telephone	
Mobile Telephone	
Email Address	

About Yourself Please provide any background information that you wish to share with the Council

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Reasons for applying

Please provide your reasons for wanting to become a Stanion Parish Councillor

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Signature	
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Please return your completed application to the Proper Officer of Stanion Parish Council (address is located on the Home Page of Stanion Parish Council Website). Your application will be considered at the next available meeting of Stanion Parish Council.

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The information that you have provided on this application will remain Private and Confidential

APPENDIX B

Co-option Eligibility Form

1. In order to be eligible for co-option as a Stanion 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. that 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 circle which of the following 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 in the Parish, or
- d) I have, during the whole of those twelve months, resided in the Parish, or within 3 miles of it

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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 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 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

The disqualification for bankruptcy ceases in the following circumstances:

- i. 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 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 to apply for the vacancy of Councillor for Stanion Parish Council, and that the information that I have provided in this application form is a true and accurate record.

Signature:

Date:

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Stanion Parish Council will treat this information as Strictly Private and Confidential

APPENDIX C

Person Specification

Competency	Essential	Desirable
Relevant Knowledge	Sound knowledge and understanding of local affairs and the local community	The ability to bring new skills and expertise to the Parish Council team
Experience, Skills, Knowledge and Ability	<p>A genuine interest in local matters and a willingness to challenge the status quo and implement change to improve and develop the community environment</p> <p>Good interpersonal skills and a willingness to share</p>	<p>Experience of team working</p> <p>Basic knowledge of how local government operates</p> <p>Knowledge of any of the following: Law, HR, Procurement, Contract Management, Financial</p>

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	<p>own skills and expertise with other members of the Council team</p> <p>A willingness to accept personal responsibility for specific tasks and the ability to use own initiative in progressing work</p> <p>The ability and willingness to contribute opinion at meetings and actively engage in discussion, while remaining focused on representing the needs of the parishioners</p> <p>The ability to work effectively as part of a team and maintain good working relationships</p> <p>A commitment to work as part of a team on large projects and to see projects through to completion</p> <p>The ability to communicate clearly, both orally and in writing</p> <p>A good listener</p> <p>Good reading and analytical skills</p> <p>The ability to work under pressure</p> <p>The ability to view issues and solutions from another's perspective and to respect differing opinions and views</p>	<p>Management, Risk Management, Public Relations</p> <p>Experience of working in another Public Body, or a Not for Profit Organisation</p> <p>Experience of working with voluntary and or local community interest groups</p> <p>Experience of working with the Media</p> <p>Experience in budget management and budget development</p> <p>Experience of staff management</p>
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	<p>A willingness to accept and implement the decisions of the Council</p> <p>A willingness to learn new skills and accept supported new challenges in order to develop new skills and expertise</p> <p>The ability and willingness to undertake mandatory and recommended training to improve skills and knowledge</p>	
Other Requirements	<p>The ability and willingness to attend meetings of the Council and other local bodies, if required, in the evening and at weekends</p> <p>Flexible</p> <p>Enthusiastic</p>	