

Great Longstone Parish Council

Policy on the Co-option of Councillors

Background

Great Longstone Parish Council has an establishment of 8 Councillors. All councillors are required to resign for the normal elections that are held once every four years. These elections are managed by the Returning Officer at Derbyshire Dales District Council (DDDC).

All councillors are eligible to stand for re-election, assuming that they meet the standard criteria (see below for details).

Why Co-option is Important

A full establishment of 8 councillors allows for more opportunity for the representation for local electors, sharing of the workload and hopefully better decision making.

In recent years it has been challenging to find sufficient eligible local people to stand for election or co-option to the Parish Council. To help with future recruitment the Parish Council will strive to improve awareness of its role and responsibilities.

When can Co-option take place:

1. The Parish Council can go ahead, without further permissions, and “co-opt” additional members if:
 - The council is quorate (i.e. has at least 3 members)
 - And it is within 35 working days of a normal election that resulted in fewer than 8 councillors stood for election, or it is less than 6 months until the next normal elections.
2. If it is more than 35 working days since the date of the last election, and more than 6 months until the next election, The Clerk to the Parish Council must notify the Returning Officer at DDDC of the vacancies. The Returning Officer will supply a notice asking if local electors want an election (at least 10 people must state that they want an election). If there is no demand for an election the Returning Officer will give the Parish Council permission to co-opt. This permission lasts for a maximum of 6 months from the date of issue.

Eligibility requirements for candidates for election or co-option to Great Longstone Parish Council

1. In order to be eligible for co-option as a Great Longstone Parish Councillor the applicant must be a British citizen, an eligible Commonwealth citizen, a citizen of the Republic of Ireland, a qualifying EU citizen or an EU citizen with retained rights; and on the 'relevant date' (i.e. the day on which they are nominated or if there is a poll the day of the election) 18 years of age or over; and additionally, able to meet at least one of the following qualifications set out below:
 - a. They are, and will continue to be, registered as a local government elector in the Parish of Great Longstone from the day of your nomination onwards.
 - b. They have occupied as owner or tenant any land or other premises in the parish area during the whole of the 12 months before the day of your nomination and the day of election.
 - c. Their main or only place of work during the 12 months prior to the day of your nomination and the day of election has been in the parish area.
 - d. They have lived in the parish area or within three miles of it during the whole of the 12 months before the day of your nomination and the day of election.
2. Must not be Disqualified from servings as a Parish Councillor

The full range of disqualifications is complex and if you are in any doubt about whether you are disqualified, you must do everything you can to check that you are not disqualified before submitting your nomination papers.

The Elections Act 2022 introduced a disqualification conviction of an intimidatory criminal offence motivated by hostility towards a candidate, future candidate or campaigner or holder of a relevant elective office.

You must be sure that you are not disqualified as this will invalidate your application.

It is a criminal offence to make a false statement on your nomination papers as to your qualification for being elected, so if you are in any doubt you should contact your employer, consult the legislation or, if necessary, take your own independent legal advice.

The Returning Officer will not be able to confirm whether or not you are disqualified.

There are certain people who are disqualified from being elected, or co-opted, to a parish council. You cannot be a candidate if at the time of your nomination and on polling day if:

- You are employed by the parish council or hold a paid office under the parish council (including joint boards or committees).
- You are the subject of a bankruptcy restrictions order or interim order.³ More information is set out in our guidance Bankruptcy restrictions or interim order section.
- You have been sentenced to a term of imprisonment of three months or more (including a suspended sentence), without the option of a fine, during the five years before polling day⁴ and the ordinary period allowed for making an appeal or applications in respect of the conviction has passed. A person who is in the process of making an appeal or application in relation to the conviction is not disqualified at any time before the end of the day on which the appeal or application is disposed of, abandoned or fails by reason of non-prosecution.
- You have been disqualified under the Representation of the People Act 1983 (which covers corrupt or illegal electoral practices). The disqualification for an illegal practice begins from the date the person has been reported guilty by an election court or convicted and lasts for three years. The disqualification for a corrupt practice begins from the date a person has been reported guilty by an election court or convicted and lasts for five years⁶ unless at any time within that period a court determines that the conviction should not be upheld, in which case the disqualification ends at that time.
- You are subject to the notification requirement of or under Part 2 of the Sexual Offences Act 2003, and the ordinary period allowed for making an appeal or application in respect of the order or notification has passed. A disqualification set under s.81A of the Local Government Act 1972 will only apply to a person who is subject to any relevant notification requirements or relevant order made on or after 28 June 2022. A person who is in the process of making an appeal or application in relation to the disqualification is not disqualified at any time before the end of the day on which the appeal or application is disposed of, abandoned or fails by reason of non-prosecution.
- You have been convicted of an intimidatory criminal offence motivated by hostility towards a candidate, future candidate or campaigner or holder of a relevant elective office. The effect of a disqualification order is that the person will be disqualified from standing for, being elected to, and holding any relevant elective office for five years.

A person may also be disqualified from being or becoming a member of certain authorities following a conviction under the Localism Act 2011.

See: <https://www.electoralcommission.org.uk/guidance-candidates-parish-council-elections-england/what-you-need-know-you-stand-a-candidate/qualifications-and-disqualifications-standing-election/disqualifications>

Other Requirements

1. All elected or co-opted councillors must
 - a. agree to be bound by the Parish Council's Code of Conduct
 - b. sign the declaration of interests within 28 days of being elected or co-opted
 - c. attend meetings on a regular basis.

Procedure for the Co-option of Additional Councillors

On instruction of the Council that it wishes to Co-opt additional members, the Clerk:

1. Will ensure that all conditions that permit co-option have been met.
2. Will advertise the vacancies in Under the Edge magazine, on the Parish Council Notice Board and on the Village Web-site.
3. Ensure that candidates are provided with an application pack and are encouraged to speak with current Councillors about the role.

Requirements

The Council will be looking for people who are keen to be part of the community and ideally have:

- Time to attend the meetings that are usually held bi-monthly on Wednesday evenings
- Good communication skills and can work as part of a team.
- Organised, flexible, adaptable and open-minded.
- A willingness to engage with and lead on projects.
- A willingness to engage with their friends and neighbours in the village.

Applicants are encouraged to find out about the work of the council and, ideally, to attend at least one meeting as a member of the public.

Deadline for applications

This will usually be set as being 5 working days before the date of the next bi-monthly meeting of the council.

Applications will be returned to the Clerk by the application deadline. Copies will be provided to Councillors, in confidence, in advance of the meeting.

Selection Procedure

Applicants will be given the opportunity to speak for up to 5 minutes in the public section of the meeting and councillors may ask questions of them. Applicants do not have to attend the meeting to be considered as an applicant.

The National Association of Local Councils advise that all discussion and voting relating to the co-option of councillors should be taken in public session.

A vote will be taken on whether to co-opt an applicant. A majority of councillors present must vote in favour for co-option to take place. If there are more applicants than places voting will be done in rounds with each councillor will have the same number of votes as there are vacancies. After the first round of voting the applicant with the smallest number of votes will be eliminated. If there are still more candidates than vacancies voting will continue until the number of applicants matches the number of vacancies.

If a majority of the councillors present do not vote in favour of any candidate then that candidate will not be co-opted, even if vacancies still exist. Unsuccessful candidates can not reapply for at minimum of 6 months.

Appendix 1 – Application Form for Co-option to Great Longstone Parish Council

Name:

Address:

Email address:

Telephone Number:

Please give details of any skills, experience or qualifications that may be relevant to being a Parish Councillor

Please read the eligibility criteria in the Great Longstone Parish Council Co-option Policy, and then confirm the following:

1. I confirm that I meet the eligibility criteria to be a Parish Councillor for Great Longstone
2. I confirm that I none of the criteria that would disqualify me from being a Parish Councillor apply to me.
3. I confirm that I will abide by the Parish Council's Code of Conduct

Please return this form in electronic format.

Signed:

Dated:

Please Return to: Clerk to Parish Council at parishcouncil@greatlongstone.org