

# Pelton Parish Council

## Member Co-option Policy

April 2018

Signed



Chairman

29<sup>th</sup> April 2018

## **Pelton Parish Council**

### **Policy on Co-options to Fill a Member Vacancy**

#### **1. Power to Co-opt**

- 1.1 Section 21 of the Representation of the Peoples Act 1985 provides that where there is an insufficient number of candidates and provided that those elected constitute at least a quorum (three or one third of the total number of councillors, whichever is the greater) the council, of members elected, may co-opt any persons to fill the vacancies.
- 1.2 If the power to co-opt is not exercised by a council within 35 days of an election, Durham County Council, as the principal authority, may then exercise its powers to hold a further election or take other appropriate action to fill the vacancies. A principal authority has wide reserve powers to do anything necessary to constitute a council properly, including the temporary appointment of councillors pending a further election.
- 1.3 Before exercising the power of co-option, a council does not have to give notice of any vacancies but is recommended as best practice.
- 1.4 CDALC advise that DCC do not wish to impose Councillors on Councils and as such look for the individual Councils to make every attempt to fill any vacancies.

#### **2. Filling a Member Vacancy**

- 2.1 In the first instance, the council is faced with a number of choices;
  - 2.1 a to advertise the vacancies
  - 2.1 b canvass expressions of interest
  - 2.1 c to approach past councillors to consider returning
    - 2.1 d to look for unknown interested people through actively advertising and seeking expressions of interest.
    - 2.1 e formally advertise the vacancy, inviting expressions of interest from all those wishing to be considered.

#### **3 Canvassing Expressions of Interest**

- 3.1 The council may now invite expressions of interest from suitably qualified electors to be considered for co-option to the vacant seat(s). Qualification is primarily defined by s.79 of the Local Government Act (1972).
- 3.2 A deadline for receipt of expressions of interest needs to be set for at least one week prior to the full council meeting to enable council to consider the issue at its next scheduled meeting. Once the 35day time frame i.e. statutory deadline has passed it is important that every effort is made to invite residents to apply.

## **Pelton Parish Council**

### **Policy on Co-options to Fill a Member Vacancy**

- 3.3 The vacancies may be advertised via notice boards, the internet and in the press. By convention, the co-opted candidate(s) should be voted onto the Parish Council by means of a secret ballot.
- 3.4 Anyone expressing an interest will be provided with a specification of the duties and time commitment anticipated of members of the parish council (Appendix A), based on the recommended specification published by NALC. It may also be appropriate to provide a copy of the NALC publication 'The good councillor's guide' (<http://www.nalc.gov.uk/library/members-library/toolkits/2416-good-councillors-guide-2017/file>), which provides a clear overview of the legal framework for the parish council and the role of councillors.
- 3.5 Council's commitment to Openness and Transparency and Good Practice requires that those wishing to submit themselves for co-option should provide a statement of their suitability, based on the specification, on no more than one side of A4.

#### **4 Procedure for Voting to Fill the Vacancy**

- 4.1 Any candidates submitting a statement will be invited to attend the council meeting. Each will be offered two minutes to state their suitability, in turn, with the order determined by a draw.
- 4.2 Members will then be offered an opportunity to question the candidates.
- 4.3 At the conclusion of the question and answer session, members may either resolve to proceed directly to a secret ballot or may resolve to exclude press and public (including the candidates) pending a debate on the suitability of the candidates.
- 4.4 Once a vote is called, the Clerk will issue each Member (including the Chairman) with a ballot paper marked with the names of the candidates.
- 4.5 Each Member will vote, in secret, by placing a cross against the name of their chosen candidate(s) and then folding the ballot papers.
- 4.6 The Clerk will count the ballot papers in front of Members.
- 4.7 If there are more than two candidates, the council will use the procedure set out in Standing Orders.
- 4.8 The co-option will be decided by the achievement of an absolute majority.
- 4.9 When an even number of Members are entitled to vote, a tie could occur. In the event of a tie, the Chairman will exercise his or her casting vote.
- 4.10 If the candidate(s) have remained, the Chairman will notify each one of the outcome, otherwise, the Clerk will write to advise.

## Pelton Parish Council

### Policy on Co-options to Fill a Member Vacancy

#### Appendix A

The following are the criteria on which a person's suitability for co-option will be considered;

| ESSENTIAL                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | DESIRABLE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Relevant Knowledge, Education, Professional Qualifications &amp; Training</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Sound knowledge and understanding of local affairs and the local community.<br>Commitment to legal framework and principles of local democracy.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | A levels/Degree level and or<br>Specific Vocational training or professional qualification (e.g. accountant, teacher, surveyor, architect) may be specified.                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>Experience, Skills, Knowledge and Ability</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <p>Solid interest in local matters.</p> <p>Ability and willingness to represent the council and their community.</p> <p>Good interpersonal skills.</p> <p>Ability to communicate clearly both orally and in writing.</p> <p>Ability and willingness to work closely with other members and to maintain good working relationships with all members and staff.</p> <p>Good reading and analytical skills.</p> <p>Ability and willingness to work with the council's partners (e.g. voluntary groups, other parish councils, Durham County Council, charities).</p> <p>Ability and willingness to undertake relevant training.</p> <p>Ability to work under pressure</p> | <p>Knowledge of HR, procurement, contract management, financial control or risk management and compliance, public relations</p> <p>Experience of working in another public body or not for profit organisation</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>Experience of working with the media.</p> <p>Experience in financial control/budgeting</p> <p>Experience of staff management</p> |
| <b>Other requirements</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <p>Flexibility</p> <p>Enthusiasm</p> <p>Ability and willingness to attend meetings of the council (or the meetings of other local authorities and local bodies) in the evening and events in the evening and at weekends. (The basic commitment to meetings is to attend three, 2-hour meetings during each eight-week cycle)</p> <p><b>Meets the qualifying requirements of s.79 of the Local Government Act 1972</b></p>                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

(Based on the NALC recommended specification)

## **1. Voting on Appointments**

Where a vacancy occurs on the Council, the procedure set out in the Members Co-option Policy above and the relevant part of Standing Orders will be followed.

## **2. Co-option of a New Member**

### **Procedure for Voting to Fill a Vacancy – as detailed in Member Co-option Policy**

- 2.1 Any candidates submitting a statement will be invited to attend the council meeting. Each will be offered two minutes to state their suitability, in turn, with the order determined by a draw.
- 2.2 Members will then be offered an opportunity to question the candidates.
- 2.3 At the conclusion of the question and answer session, members may either resolve to proceed directly to a secret ballot or may resolve to exclude press and public (including the candidates) pending a debate on the suitability of the candidates.
- 2.4 Once a vote is called, the Clerk will issue each Member (including the Chairman) with a ballot paper marked with the names of the candidates.
- 2.5 Each Member will vote, in secret, by placing a cross against the name of their chosen candidate(s) and then folding the ballot papers.
- 2.6 The Clerk will count the ballot papers in front of Members.
- 2.7 If there are more than two candidates, the council will use the procedure set out in Standing Orders.
- 2.8 The co-option will be decided by the achievement of an absolute majority.
- 2.9 When an even number of Members are entitled to vote, a tie could occur. In the event of a tie, the Chairman will exercise his or her casting vote.
- 2.10 If the candidate(s) have remained, the Chairman will notify each one of the outcome, otherwise, the Clerk will write to advise.

## **3. Voting on Appointments -Section 8 Standing Orders**

Where more than two persons have been nominated for a position to be filled by the council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. A tie in votes may be settled by the casting vote exercisable by the chairman of the meeting.

## **Pelton Parish Council**

### **Policy on Co-options to Fill a Member Vacancy**

#### **4. Clarification on Voting**

- 4.1 As in 2.5 above, where there is more than 1 candidate, a member may vote for more than one candidate, up to the number of vacancies, by marking a mark against the candidate(s) name(s) on the ballot paper.
- 4.2 The ballot papers are collected and counted in front of members to ensure an equal number of ballot papers to members present.
- 4.3 Each ballot paper is checked to ensure that the number of crosses does not exceed the number of vacancies.
- 4.4 Should the number of crosses on a ballot paper exceed the number of vacancies, then this ballot paper will be set aside.
- 4.5 The votes for each candidate are counted and recorded by the Clerk.
- 4.6 Where a candidate receives more than 50% of the vote, e.g. if 11 members are present and 6 vote for a candidate, that person automatically takes a position on Council. This occurs at every round of voting.
- 4.7 The Candidate with the least number of votes is then crossed off the ballot paper.
- 4.8 New ballot papers are issued and the voting continues, following the same procedure, until a majority of votes is given in favour of 1 person (where only 1 post) or until all vacancies are filled.

#### **5. Acceptance of Office**

- 5.1 Newly Elected Councillors are required by law to sign a Declaration of Acceptance of Office before the commencement of the meeting immediately following them becoming a Councillor. Failure to do so will mean removal from being a Councillor and a vacancy will be reported to Democratic Services of Durham County Council.
- 5.2 This also applies to ALL Councillors, returning or new, following an election.

#### **6. Registration of Interests**

- 6.1 Newly Elected Councillors must complete a Registration of Interests (RoI) Form within 28 days of becoming a Council Member. This is to be registered with the Clerk and forwarded to the local authority responsible for elections (Durham County Council – Democratic Services), where it will be displayed on DCC web site.

## **Pelton Parish Council**

### **Policy on Co-options to Fill a Member Vacancy**

6.2 Any changes in the RoI must be notified within 28 days of occurrence to the Clerk and DCC Electoral Services.

6.3 After an election, ALL Councillors, new or returning, are classed as new members and need to complete an RoI form within the specified time.

| Author      | Position | Addition                          | Date       | Review by      |
|-------------|----------|-----------------------------------|------------|----------------|
| M. Robinson | Clerk    | 'Voting on appointments' guidance | 29.04.2018 | End March 2023 |