



## **Sarratt Parish Council**

### **Policies and Procedures: Co-option of a Parish Councillor**

#### **Objectives**

The purpose of the Co-option Policy is to ensure that there is compliance with legislation and continuity of procedures in the co-option of members to Sarratt Parish Council.

#### **Co-option**

There are no formal rules regarding co-option of members. The Parish Council has freedom to choose their Councillors, but the person must be qualified to be a candidate (see details below).

There are several methods of co-option used by local Councils. The one adopted by this Council is to first publish the vacancy, as required by the Returning officer of the Principle Authority (Three Rivers District Council). In the event that an election is not called to fill the vacancy then this Council will formally give notice at Full Council that nominations to co-opt into the vacancy will be considered at a future Full Council meeting.

Standing Order 12 will then apply:

#### **Voting On Appointments**

Where more than two people have been nominated for any position to be filled by the Council and of the votes given there is not an absolute majority in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken, and so on until a majority of votes is given in favour of one person. Any tie may be settled by the Chairman's casting vote

Newly co-opted members are also required to complete a Declaration of Acceptance of Office.

#### **Qualifications for Candidature**

To be qualified to be elected a member of a parish council a person must be 21 years of age or over, and a British subject or citizen of the Republic of Ireland, and either:

- (i) be a local government elector of the parish, or
- (ii) have during the whole of the twelve months preceding the day on which s/he is nominated as a candidate occupied as owner or tenant any land or other premises in the parish; or
- (iii) her/his principal or only place of work in the twelve months preceding the day on which s/he is nominated as a candidate have been in the area of the parish; or
- (iv) have resided either in the parish or within 3 miles thereof during the whole of the 12 months preceding the day on which s/he is nominated as a candidate.

There are certain disqualification's for election, of which the main (see 5. 80 of the Local Government Act

1972) are:

- a. holding a paid office under the local authority;
  - b. bankruptcy;
  - c. 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
- d. being disqualified under any enactment relating to corrupt or illegal practices.

### **Reviewing this Policy**

This Policy will be reviewed on a regular basis as part of Sarratt Parish Council's continuing review of its Policy Documents, Standing Orders and Financial Regulations. Recommendations for change will be reported to the Council.

**Reviewed and adopted:            9 February 2021**

**CO-OPTION OF PARISH COUNCILLOR  
for the  
PARISH OF SARRATT**

**This pack contains:-**

1. Sarratt Parish Council's Co-option Policy (see above)
2. Candidate letter of application.
3. Candidate consent to co-option form.
4. Extracts from the LOCAL GOVERNMENT ACT 1972 - Part V (as amended)

**CANDIDATE LETTER OF APPLICATION**

<b>Name of Applicant</b>	
<b>Address</b>	
<b>Email address</b>	
<b>Phone number(s)</b>	

Please give your reasons for wishing to join Sarratt Parish Council, and explain what you will bring to the Council for the benefit of the Parish. Please continue on reverse if required.

Please note: You may be asked to elaborate on the contents of this application letter, and current Councillors may also wish to ask you direct questions before taking a vote.

<b>Signed</b>		<b>Date</b>	
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**CANDIDATE'S CONSENT TO CO-OPTION PARISH COUNCILLOR  
for the  
PARISH OF SARRATT**

I, (name in full)	
of (home address in full)	

hereby consent to being co-opted as a Parish Councillor for the Parish of Sarratt

I declare that I am qualified and that I will be qualified to be so co-opted by virtue of being on the day of co-option a Commonwealth citizen, or a Citizen of the Republic of Ireland who has attained the age of 21 years and that

\*(a) I am registered as a local government elector for Sarratt Parish in respect of (qualifying address in full)


and my electoral number is .....

or

\*(b) I have during the whole of the twelve months preceding the date of my co-option occupied as owner or tenant the land or other premises in that Parish (insert below description and address of land or premises)


or

\*(c) My principal or only place of work during those twelve months has been in that Parish at (give address of place of work and, if appropriate, name of employer)


or

\*(d) I have during the whole of those twelve months resided in that Parish or within three miles of it (give full address):


I declare to the best of my knowledge and belief I am not disqualified from being elected by reason of any disqualification set out in Section 80 of the Local & Government Act 1972, a copy of which is included, and I do not hold a politically restricted post, within the meaning of Part I of the Local & Government and Housing Act 1989, under a local authority within the meaning of that Part.

Signed		Signed in t h e p r e s e n c e o f	
Date		Signature of witness	

(see the extract below for more information before completing this form).

## **Election of Councillors**

### **Extracts from the LOCAL GOVERNMENT ACT 1972 - Part V (as amended)**

#### **Disqualifications for election and holding office as member of local authority.**

##### **Section 80**

- (1) Subject to the provisions of section 81 below, a person shall be disqualified from being elected or being a member of a local authority if he-
  - (a) holds any paid office or employment (other than the office of chairman, vice-chairman or deputy chairman) appointments to which are or may be made or confirmed by the local authority or any committee or sub-committee of the authority or by a joint committee on which the authority are represented or by any person holding any such office or employment; or
  - (b) is a person who has been adjudged bankrupt, or made a composition or arrangement with his creditors; or
  - (c) has within five years before the day of election or since his election been convicted in the United Kingdom, the Channel Islands or the Isle of Man of any offence and has had passed on him a sentence of imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine; or
  - (d) is disqualified for being elected or for being a member of that authority under Part III of the Representation of the People Act 1983 or under Part III of the Local Government Finance Act 1982.
- (2) Subject to the provisions of section 81 below, a paid officer of a local authority who is employed under the direction of-
  - (i) a committee or sub-committee of the authority any member of which is appointed on the nomination of some other local authority; or
  - (ii) a joint board, joint authority or joint committee on which the authority are represented and any member of which is so appointed; shall be disqualified for being elected or being a member of that other local authority.
- (3) Teachers in a school maintained but not established by a local education authority shall be in the same position as respects disqualification for office as members of the authority as teachers in a school established by the authority.
- (5) For the purposes of subsection (1)(d) above, the ordinary date on which the period allowed for making an appeal or application with respect to the conviction expires or, if such an appeal or application is made, the date on which the appeal or application is finally disposed of or abandoned or fails by reason of the non-prosecution thereof shall be deemed to be the date of conviction.

#### **Exceptions to provisions of section 80**

##### **Section 81**

- (1) Where a person is disqualified under section 80 above by reason of having been adjudged bankrupt, the disqualification shall cease-
  - (i) unless the bankruptcy order made against that person is previously annulled, on his discharge from bankruptcy; and
  - (ii) if the bankruptcy order is so annulled, on the date of annulment.
- (2) Where a person is disqualified under section 80 above by reason of his having made a composition or arrangement with his creditors and he pays his debts in full, the disqualification shall cease on the date on which the payment is completed and in any other case it shall cease on the expiration of five years from the date on which the terms of the deed of composition or arrangement are fulfilled.
- (4) Section 80(2) and (3) above shall not operate so as to disqualify any person by reason of his being a teacher, or otherwise employed, in a school or other educational institution maintained or assisted by a county council for being a member of a district council by reason that the district council nominates members of the education committee of the county council.