

## HOLBEACH PARISH COUNCIL CO-OPTION POLICY & APPLICATION -

On receipt, of written or electronic confirmation from the Electoral Services Office from the District Council, the casual vacancy can be filled by means of Co-option, the Parish Clerk will:

- Advertise the vacancy for four weeks on the Council notice boards and website
- Advise Holbeach Parish Council that the Co-option Policy has been instigated

Holbeach Parish Council 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 who apply.

Parish Council meetings are held in the evening; on the second Monday in the month. There are usually twelve ordinary meetings per year. Additional extraordinary meetings may be called to discuss matters, which need to meet specific deadlines or to address urgent issues. The office of councillor is unpaid.

If you 18 or over, an elector in the Parish, or meet one of a number of other eligibility criteria set out in the application pack and are interested in applying to serve as Councillor please complete the application form in this pack and return to The Clerk. The process is as follows:

1. Candidates must apply in writing (by post or e-mail as set out on page2) using the application form attached. If you have any queries please contact The Clerk, [clerk@holbeachpc.com](mailto:clerk@holbeachpc.com), tel: 01406 426739
2. All candidates who have submitted applications will be invited to attend the next full Parish Council meeting Applications submitted by e-mail must be signed before or on the evening of the meeting.
3. All Councillors will receive copies of the candidate applications as supporting documents prior to the meeting.
4. There will be an agenda item set aside for questions to be asked of the candidates and for candidates to have the opportunity to ask questions of the Councillors.
5. To be appointed to the council any applicant must secure an absolute majority in a ballot at a full council meeting. If there is more than one candidate for the vacancy the process will be that the person with the least votes gets taken off the list and a fresh vote is taken until an overall majority is reached. In the event of a tie the Chairman shall have the casting vote. If a majority is not attained an appointment will not be made.
6. If a further casual vacancy arises within three months after co-option, those that were unsuccessful can request that their application is resubmitted, this does not affect their rights to submit a completely new application.
7. Successfully co-opted applicants become Councillors in their own right with immediate effect, having signed a Declaration of Acceptance of Office, and are no different from any other member. Their term of office runs until the next elections for the Parish Council. They must fill in an entry to the Members' Register of Interests within 28 days with a copy passed on to the monitoring officer at South Holland District Council.
8. There will be opportunities for training during their term of office.

## HOLBEACH PARISH COUNCIL APPLICATION FORM FOR CO-OPTION TO THE PARISH COUNCIL

Please complete this form to be considered as a candidate for membership of the parish council then return by post to: **The Clerk, Holbeach Parish Council, Coubro Chambers, 11 West End, Holbeach PE12 7LW** or by e-mail (preferably as a printable pdf document) to [clerk@holbeachpc.com](mailto:clerk@holbeachpc.com)

NAME: (Mr/Mrs/Miss/Ms/Other) .....

ADDRESS: .....

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E-mail address .....

Telephone landline ..... Mobile.....

### QUALIFICATION TO SERVE

You are at least 18 years old and a British citizen or an eligible Commonwealth and you must be able to answer “YES” to at least one of the following four questions; please circle as many as apply to you.

1. Are you registered at the above address as a Local Government Elector for the area of Holbeach Parish?	YES / NO
2. During the whole of the last 12 months have you resided in the Parish or within 3 miles (4.8 kilometres) of it? Show address if different from above.	YES / NO
3. During the whole of the last 12 months have you occupied as owner or tenant land or premises in the Parish? Give address of land or premises.	YES / NO
4. During the whole of the last 12 months, has your main place of work been within the Parish? Give address and place of work and employer if applicable.	YES / NO

### DISQUALIFICATIONS

I declare that to the best of my knowledge and belief I am not disqualified for being elected by reason of any disqualification set out in, or decision made under, sections 80 or 81A of the Local Government Act 1972 or section 34 of the Localism Act 2011 (copies of which are at appendix 1).

Note 1: Disqualifications set out under s.81A of the Local Government Act 1972 only apply to a person who is subject to any relevant notification requirements, or a relevant order, made on or after 28 June 2022.

Signed..... Date.....



HPC are keen to co-opt fellow members of the community who are team players, willing to contribute their own ideas whilst respecting those of others and accepting majority decisions. Experience of serving on a council or with other voluntary groups may be useful. Please use this form to explain how your background and skills may enable you to contribute to the running of the Parish.

**1 BRIEF CURRICULUM VITAE (You may attach a separate document)**

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**2 REASONS FOR WISHING TO BE A COUNCILLOR**

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<b>3</b>	<b>PREVIOUS COMMUNITY/VOLUNTARY/COUNCIL WORK</b>
<b>4</b>	<b>YOUR SKILLS WHICH MAY BE USEFUL AS A COUNCILLOR</b>
<b>5</b>	<b>ANY OTHER COMMENTS</b>

Version	Date Approved	Amendments Made	Next Review Date
V1	August 2021		April 2023
V2	11/04/2023		April 2024



## Appendix 1

### Local Government Act 1972

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

(1) Subject to the provisions of section 81 below, a person shall be disqualified for 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, deputy chairman, presiding member or deputy presiding member or, in the case of a local authority which are operating executive arrangements which involve a leader and cabinet executive, the office of executive leader or member of the executive) appointments or elections 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 or National Park authority on which the authority are represented or by any person holding any such office or employment; or
- (b) is the subject of a bankruptcy restrictions order or an interim bankruptcy restrictions order, or a debt relief restrictions order under Schedule 4ZB of the Insolvency Act 1986; or
- (c) [This has been removed and no longer applies]
- (d) 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
- (e) is disqualified for being elected or for being a member of that authority under Part III of the Representation of the People Act 1983.

(2) Subject to the provisions of section 81 below, a paid officer of a local authority who is employed under the direction of –

- (a) a committee or sub-committee of the authority any member of which is appointed on the nomination of some other local authority; or
- (b) a joint board, joint authority, economic prosperity board, combined authority, joint waste 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.

(2AA) A paid member of staff of the Greater London Authority who is employed under the direction of a joint committee the membership of which includes –

- (a) one or more persons appointed on the nomination of the Authority acting by the Mayor, and
- (b) one or more members of one or more London borough councils appointed to the committee on the nomination of those councils,

shall be disqualified for being elected or being a member of any of those London borough councils.

(2A) Subsection (2) above shall have effect as if the reference to a joint board included a reference to a National Park authority.



(2B) For the purposes of this section a local authority shall be treated as represented on a National Park authority if it is entitled to make any appointment of a local authority member of the National Park authority.

(3) Subsection (1)(a) shall have effect in relation to a teacher in a school maintained by the local authority who does not hold an employment falling within that provision as it has effect in relation to a teacher in such a school who holds such an employment.

(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 the conviction.

#### **81 Exception to provisions of section 80**

(4) Section 80(2) and (3) above shall not operate so to disqualify –

- (a) 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

#### **81A Disqualification relating to sexual offences etc**

(1) A person is disqualified for being elected or being a member of a local authority in England if the person is subject to—

- (a) any relevant notification requirements, or
- (b) a relevant order.

(2) In this section "relevant notification requirements" means—

- (a) the notification requirements of Part 2 of the Sexual Offences Act 2003;
- (b) the notification requirements of Part 2 of the Sex Offenders (Jersey) Law 2010;
- (c) the notification requirements of Part 2 of the Criminal Justice (Sex Offenders and Miscellaneous Provisions) (Bailiwick of Guernsey) Law 2013;
- (d) the notification requirements of Schedule 1 to the Criminal Justice Act 2001 (an Act of Tynwald: c. 4).

(3) In this section "relevant order" means—

- (a) a sexual harm prevention order under section 345 of the Sentencing Code;
- (b) a sexual harm prevention order under section 103A of the Sexual Offences Act 2003;
- (c) a sexual offences prevention order under section 104 of that Act;
- (d) a sexual risk order under section 122A of that Act;
- (e) a risk of sexual harm order under section 123 of that Act;



- (f) a risk of sexual harm order under section 2 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005;
  - (g) a sexual risk order under section 27 of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016;
  - (h) a restraining order under Article 10 of the Sex Offenders (Jersey) Law 2010;
  - (i) a child protection order under Article 11 of that Law;
  - (j) a sexual offences prevention order under section 18 of the Criminal Justice (Sex Offenders and Miscellaneous Provisions) (Bailiwick of Guernsey) Law 2013;
  - (k) a risk of sexual harm order under section 22 of that Law;
  - (l) a sexual offences prevention order under section 1 of the Sex Offenders Act 2006 (an Act of Tynwald: c. 20);
  - (m) a risk of sexual harm order under section 5 of that Act.
- (4) For the purposes of subsection (1)(a), a person who is subject to any relevant notification requirements is not to be regarded as disqualified until—
- (a) the expiry of the ordinary period allowed for making an appeal or application against the conviction, finding, caution, order or certification in respect of which the person is subject to the relevant notification requirements, or
  - (b) if such an appeal or application is made, the date on which it is finally disposed of or abandoned or fails because it is not prosecuted.
- (5) For the purposes of subsection (1)(b), a person who is subject to a relevant order is not to be regarded as disqualified until—
- (a) the expiry of the ordinary period allowed for making an appeal against the relevant order, or
  - (b) if such an appeal is made, the date on which it is finally disposed of or abandoned or fails because it is not prosecuted.

### **Localism Act 2011**

*Section 34(4) describes how a person may be disqualified from standing in local government elections under this section. The remaining provisions of section 34 do not directly affect a person's entitlement to stand for election*

### **34 Offences**

- (1) A person commits an offence if, without reasonable excuse, the person—
- (a) fails to comply with an obligation imposed on the person by section 30(1) or 31(2), (3) or (7),
  - (b) participates in any discussion or vote in contravention of section 31(4), or
  - (c) takes any steps in contravention of section 31(8).
- (2) A person commits an offence if under section 30(1) or 31(2), (3) or (7) the person provides information that is false or misleading and the person—



(a) knows that the information is false or misleading, or

(b) is reckless as to whether the information is true and not misleading.

(3) A person who is guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(4) A court dealing with a person for an offence under this section may (in addition to any other power exercisable in the person's case) by order disqualify the person, for a period not exceeding five years, for being or becoming (by election or otherwise) a member or co-opted member of the relevant authority in question or any other relevant authority.

(5) A prosecution for an offence under this section is not to be instituted except by or on behalf of the Director of Public Prosecutions.

(6) Proceedings for an offence under this section may be brought within a period of 12 months beginning with the date on which evidence sufficient in the opinion of the prosecutor to warrant the proceedings came to the prosecutor's knowledge.

(7) But no such proceedings may be brought more than three years—

(a) after the commission of the offence, or

(b) in the case of a continuous contravention, after the last date on which the offence was committed.

(8) A certificate signed by the prosecutor and stating the date on which such evidence came to the prosecutor's knowledge is conclusive evidence of that fact; and a certificate to that effect and purporting to be so signed is to be treated as being so signed unless the contrary is proved.

(9) The Local Government Act 1972 is amended as follows.

(10) In section 86(1)(b) (authority to declare vacancy where member becomes disqualified otherwise than in certain cases) after " 2000 " insert " or section 34 of the Localism Act 2011 ".

(11) In section 87(1)(ee) (date of casual vacancies)—

(a) after "2000" insert " or section 34 of the Localism Act 2011 or ", and

(b) after "decision" insert " or order ".

(12) The Greater London Authority Act 1999 is amended as follows.

(13) In each of sections 7(b) and 14(b) (Authority to declare vacancy where Assembly member or Mayor becomes disqualified otherwise than in certain cases) after sub-paragraph (i) insert—

"(ia) under section 34 of the Localism Act 2011,".

(14) In section 9(1)(f) (date of casual vacancies)—

(a) before "or by virtue of" insert " or section 34 of the Localism Act 2011 ", and

(b) after "that Act" insert " of 1998 or that section ".