



Co-Option Policy.

When a Councillor vacancy arises, the Clerk informs the Elections office at North Devon Council. They will record the vacancy and create an official Notice of Vacancy, which starts the official procedure for calling an election. If an election is not called by the date stated on the Vacancy, then the Parish Council can fill the position by Co-Option.

- When it is confirmed that an election has not been called then the Clerk should advertise the Co-Option vacancy on the Council notice board, website, and any other suitable platforms.
- The vacancy should be publicised for a minimum of 2 weeks before the Council considers any applicants.
- Applications will be accepted upon receipt of a correctly completed form (confirming eligibility to stand).
- Applications will be considered at the first meeting (following the minimum 2 weeks publicity) after their application has been accepted.
- Applicants will be invited to attend the meeting where their application will be considered.
- If required, existing Councillors will vote (in line with the methods described in the Standing Orders) to produce a successful candidate.
- The successful candidate will then sign their Declaration of Acceptance of Office form and join the Council. If the successful candidate is not at the meeting when they are selected, they should sign their Declaration prior to or at their first meeting.

CANDIDATE'S CONSENT TO CO-OPTION

CO-OPTION OF PARISH COUNCILLOR

for the

PARISH OF COMBE MARTIN

I, (name in full)

of (home address in full).....

hereby consent to being co-opted for the above Parish.

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 British citizen, a Commonwealth citizen, a Citizen of the Republic of Ireland or a citizen of another Member State of the European Community, who has attained the age of 18 years and that one (or more) of the below qualifications applies: **(please identify which apply)**

(Notes: A candidate who is qualified by more than one qualification may complete any of those which may apply.)

*a. I am registered as a local government elector for the area of the parish of Combe Martin; or
*b. I have, during the whole of the 12 months preceding that day or those days occupied as owner or tenant land or other premises in the parish named above; or
*c. my principal or only place of work during those 12 months has been in the parish named above; or
*d. I have during the whole of those 12 months resided in that parish named above or within 3 miles of it.
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, the Local Government Act 1972 or the Localism Act 2011 (guidance from the Electoral Commission is attached).

Signature:

Date:

The following information will help Councillors decide between candidates. You may leave these blank and provide the information in person at the time of Co-Option.

Please use this space to tell us why you want to become a *CMPC* Councillor:

Please use this space to tell us what skills, experience, knowledge, etc you would bring to *CMPC*:

The Electoral Commission produce “Guidance for Candidates (Parish Council elections in England). From this document ([Part 1 Can you stand for election P and C \(electoralcommission.org.uk\)](#)), the following information explains the qualifications and disqualifications:

Qualifications for standing for election

1.1 To be able to stand as a candidate at a parish council election you must:

- be at least 18 years old
- be a British citizen, an eligible Commonwealth citizen or a citizen of any member state of the European Union, and
- meet at least one of the following four qualifications:
 - a. You are, and will continue to be, registered as a local government elector for the parish in which you wish to stand from the day of your nomination onwards. See paragraph 1.11 for further information.
 - b. You 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. For more details, see paragraph 1.12.
 - c. Your 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. More information is provided in paragraph 1.19.
 - d. You 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. See paragraph 1.20 for further details.

Disqualifications

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. You must be sure that you are not disqualified as you will be asked to sign one of the required nomination papers to confirm that you are not disqualified. 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.

1.2 Apart from meeting the qualifications for standing for election, you must also not be disqualified.

An eligible Commonwealth citizen is a Commonwealth citizen who either:

- does not need leave to enter or remain in the United Kingdom, or
- has indefinite leave to remain in the United Kingdom Parish council elections

1.3 There are certain people who are disqualified from being elected to a parish council.

You cannot be a candidate if at the time of your nomination and on polling day:

- a. You are employed by the parish council or hold a paid office under the parish council (including joint boards or committees). For further information, see paragraph 1.22.

b. You are the subject of a bankruptcy restrictions order or interim order. For more information, see paragraph 1.27

c. 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 day 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

d. 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.

e. 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.

1.4 A person may also be disqualified from being or becoming a member of certain authorities¹⁰ following a conviction under the Localism Act 2011¹¹.