Bladon Parish Council: Co-option Policy

Adopted by Bladon Parish Council on 9th February 2023

Summary

1. This procedure is based on NALC Legal Briefing L15-08 – Good practice for selection of candidates for co-option to local Councils.

2. The Co-option of a Town Councillor occurs when a casual vacancy has arisen on the Council and no poll (by-election) has been called. A casual vacancy occurs when:

   - A councillor fails to make his declaration of acceptance of office at the proper time;
   - A councillor resigns;
   - A councillor dies;
   - A councillor becomes disqualified; or
   - A councillor fails for six (6) months to attend meetings of a council committee or subcommittee or to attend as a representative of the Council a meeting of an outside body

3. Parish Councils are permitted to exercise the power to co-opt a person onto the Council to fill a casual vacancy when the requirements to hold an election have not been met (ie the vacancy has been the subject of a public notice and less than 10 registered electors have requested an election by a deadline date specified by the District Returning Officer).

   Although seeking 'expressions of interest' is not a legal requirement, the National Association of Local Councils (NALC) recommends that Councils always give public notice of vacancies because this makes the process of co-option open and transparent and should attract more potential candidates.

Process

4. To ensure that a fair and transparent process is undertaken, whenever the need for co-option arises, Bladon Parish Council (BPC) will.

   Consider advertising the vacancy to seek and encourage 'expressions of interest' by a specified date from anyone in the Parish who is eligible to stand as a Parish Councillor.

   Any advertisement will be posted for a minimum of 4 weeks on BPC notice boards and BPC website.

5. Applicants will be encouraged to attend a meeting as a member of the public prior to submitting an application.

   All potential candidates will be asked to put their request for consideration in writing and submit to the Parish Clerk.

a. Provide information about themselves by way of completing a short application form (Annex A)
b. Confirm their eligibility for the position of Councillor within the statutory rules (Annex B)

6. Copies of the application forms will be circulated to all Councillors by the Clerk, at least three working days prior to the meeting of the full council where the co-option will be considered. All such documents will be treated by the Clerk and councillors as strictly private and confidential.

7. At the next Full Council Meeting
   i. The applying candidate(s) attends the meeting, whereby they present themselves for Co-option;
   ii. Clerk to confirm that each candidate is qualified to become a Councillor and is not disqualified from being a Councillor as set out in the Local Government Act 1972 s79 and s80;
   iii. Chairman to offer opportunity for debate on the order of priority to offer co-option;
   iv. Members will be informed of the names and addresses of anyone wishing to be considered for co-option and Members present may nominate any of the persons named. There is no obligation to nominate any of the persons named, particularly if the person is not known to the Council or is considered unsuitable for Parish Council office;
   v. Within the Public Participation section of the meeting, or at another point determined by the Chairman of the meeting, the candidate/s may address Members of the Parish Council in respect of their application/s and Members may ask questions of the candidates.
   vi. Any Councillor may nominate a candidate for the vacancy and, provided the nomination is seconded, that name may be voted upon;
   vii. Vote on the acceptability of each candidate for co-option, utilising the 'person specification' criteria and any application forms provided by candidates. An absolute majority vote is required for each candidate from all members present and entitled to vote (LGA 1972 Sch. 12. Para 39) (The applicant with the least number of votes cast will be deleted and the vote taken again and again etc. until the number of candidates equals the number of vacancies);
   viii. Vote to select the order in which acceptable candidates (decided by the vote at iii above) should be approached to offer co-option on this occasion.

8. The Clerk to approach and offer co-option to candidate(s) in the order of priority determined by the vote at viii above, if the first choice does not accept the post then the second is to be approached and so on until the ranking list is exhausted.

9. Assuming that the co-option position is filled, formally ratify the appointment at the next Full Council meeting.

10. The Clerk to notify Electoral Services of the new Councillor appointment, initiate 'Acceptance of Office' paperwork and 'Registration of Interests' on the appropriate Council website.

11. If no one accepts the vacant post(s), the whole process is to be repeated when new individuals expressing interest are identified or until the next election.

Review

This policy is changed as required and review annually.

Bladon Parish Council

PERSONAL SPECIFICATION FOR A CO-OPTED COUNCILLOR

Competence	Essential	Desirable
Personal attributes	Sound knowledge and understanding of local affairs and the local community and forward thinking	Can bring new skills, expertise or key local knowledge to the Council
Experience, skills, knowledge and ability	• Ability to listen constructively • A good team player • Ability to pick up and run with a variety of projects • Solid interest in local matters • Ability and willingness to represent the Council and their community • Good interpersonal skills and able to contribute opinions at meetings whilst willing to see others views and accept majority decisions • Ability to communicate succinctly and clearly • Ability and willingness to work closely with other members and to maintain good working relationships with all members and staff • Ability and willingness to work with the Council's partners (eg voluntary groups, other parish councils, principal authority, charities, etc) • Ability and willingness to undertake induction training and other relevant training	• Experience of working or being a member in a local authority or other public body • Experience of working with voluntary and or local community/interest groups. • Basic knowledge of legal issues relating to town and parish councils or local authorities • Experience of delivering presentations.
Circumstances	• Ability and willingness to attend meetings of the Council (or meetings of other local authorities and local bodies) at any time and events in the evening and at weekends.	To have attended a BPC Council Meeting

APPENDIX A – Application for Co-Option

Thank you for your interest in becoming a Parish Councillor. Please complete the information below to assist the council in making their decision.

Full Name and Title	
Home Address	
Home Telephone	
Mobile Phone	
Email address	
About you Please provide BPC with some background information about yourself	
Reasons for applying Please explain why you would like to be a BPC Councillor	
Signature	

Please return your completed application to the Parish Clerk. Your application will be considered at the next available Parish Council meeting, where a vote will be held to decide whether the council agrees to co-opt you onto Bladon Parish Council. General Data Protection Regulations 2108: The information provided on this application will remain private and confidential.

APPENDIX B - Co-option Eligibility Form

In order to be eligible for co-option as a Bladon Parish Councillor you must be a British subject, or a citizen of the Commonwealth or the European Union; and on the 'relevant date' (i.e. the day on which you are nominated or if there is a poll the day of the election) 18 years of age or over; and additionally able to meet one of the following qualifications set out below. Please tick which applies to you.

a) I am registered as a local government elector for the parish; or
b) I have, during the whole of the twelve months preceding the date of my co-option, occupied as owner or tenant, land or other premises in the parish; or
c) My principal or only place or work during the twelve months has been in the parish
d) Or I have during the whole of twelve months resided in the parish or within 3 miles of it.

2. Please note that under Section 80 of the Local Government Act 1972 a person is disqualified from being elected as a Local Councillor:

a) Holds any paid office or employment of the local council (other than the office of Chairman) or of a joint committee on which the Council is represented; or
b) Is a person who has been adjudged bankrupt or has made a composition or arrangement with his/her creditors (but see below); or
c) Has within five years before the day of election, or since his/her election, been convicted in the UK, Channel Islands or Isle of Man of any offence and has been sentenced to imprisonment (whether suspended or not) for not less than three months without the option of a fine; or
d) Is otherwise disqualified under Part III of the representation of the People Act 1983 for corrupt or illegal practices.

This disqualification for bankruptcy ceases in the following circumstances:

i. If the bankruptcy is annulled on the grounds that either the person ought not to have been adjudged bankrupt or that his/her debts have been fully discharged;
ii. If the person is discharged with a certificate that the bankruptcy was caused by misfortune without misconduct on his/her part;
iii. If the person is discharged without such a certificate.

In i and ii above, the disqualification ceases on the date of the annulment and discharge respectively. In iii, it ceases on the expiry of five years from the date of discharge.

Declaration

I……. hereby confirm that I am eligible for the vacancy of Bladon Parish Councillor, and the information given on this form is true and accurate record.

Signature

Date

Bladon Parish Council is duty bound to treat this information as strictly confidential.