Highcliffe & Walkford Parish Council

Meeting Date:	**27 July 2022 Review: May 2024**
Report Subject:	**Co-option Policy & Procedures**
Contact:	**Clerk/Chairman**

Ref: 7 CO-OPTION POLICY AND PROCEDURES

1. INTRODUCTION

This policy is based on the National Association of Local Councils (NALC) Legal Briefing L15-08 – Good Practice for the Selection of Candidates for Co-option to Local Councils.

Town and 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 (i.e. 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 BCP Council

Although seeking 'expressions of interest' is not a legal requirement, 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.

Whenever the need for co-option arises, Highcliffe & Walkford Parish Council will seek and encourage applications from anyone in the parish/town who is eligible to stand as a parish/town councillor. Councillors or parishioners can legally approach individuals to suggest that they might wish to consider putting their names forward for co-option.

The notice to co-opt will include: the method by which applications can be made; the closing date for all applications; a contact point to obtain more information and where information can be sourced electronically.

The co-option policy will be reviewed at the beginning of each new council term (usually four years).

2. Co-option - Stage 1

The co-option of a parish/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 one of the following occurs during the council's term of office:

- a councillor fails to make their 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 months to attend a meeting when summoned to do so and their apologies are not accepted.

Highcliffe & Walkford Parish Council will notify BCP Council of a casual vacancy and then give public notice of the vacancy to give electors the opportunity to request an election. This occurs when ten electors write to BCP Council stating that an election is requested.

If a by-election is called, a polling station will be organised by BCP Council and polling cards sent to residents. Highcliffe & Walkford Parish Council will be expected to pay the costs incurred with a by-election.

If more than one candidate is nominated, a by-election will take place. When there is only one candidate they are duly elected without a ballot.

If ten residents do not request a ballot within the fourteen days of the public notice being posted, BCP Council will inform Highcliffe & Walkford Parish Council that they can proceed with co-option, as follows:

- Advertise the vacancy for four weeks on the council notice boards and website.
- Advise the council that the co-option policy has been instigated.

3. Co-option – Stage 2

Insufficiency of candidates at an ordinary election also provide the parish/town council with authority to exercise its rights to co-opt any person or persons to fill any vacancies within thirty-five days following the date of the ordinary election.

4. Eligibility of Candidates

The parish/town council can consider any person to fill a vacancy provided that:

- they are on the parish electoral register; or
- they have resided in the parish for the past twelve months or rented/tenanted land in the parish; or
- their principal place of work is in the parish; or
- they live within three miles (direct) of the parish.

There are certain disqualifications for election, as follows:

- holding a paid office under the local authority;
- bankruptcy;
- 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;
- being disqualified under any enactment in relation to corrupt or illegal practice.

Eligibility of the candidates will be confirmed at Full Council by the Clerk, as per the Local Government Act 1972, s79 and s80.

All eligible candidates will be invited to attend a meeting of the Full Council following the application deadline. If candidates are unable to attend, the meeting will not be rearranged.

5. Applications

To assist candidates, a co-option criterion has been prepared - please refer to Appendix A. This will provide candidates with guidance on areas they may wish to include on their application forms.

Candidates will be requested to:

- confirm their eligibility for the position of parish/town councillor within the statutory rules (please refer to Appendix B) and
- submit information about themselves by completing an application form (please refer to Appendix C).

Following receipt of application(s) and at the next Full Council meeting there will be an agenda item, as follows:

'To receive and consider written applications for the office of Parish/Town Councillor and to co-opt a candidate to fill the vacancy for the ….. ward of Highcliffe & Walkford Parish Council '

Prior to Full Council, where applications for co-option will be considered, applications will be ideally be circulated to all councillors at least three clear days prior to the meeting. If this is not possible, then applications will be tabled at the meeting and enough time allowed during the meeting for councillors to consider the applications. All applications will be marked 'strictly confidential' prior to circulation.

6 Full Council – Co-option Meeting

Candidates will have five minutes to introduce themselves to members, give information on their background and experience and explain why they wish to become a member of Highcliffe & Walkford Parish Council .

After presentations have been made, members will have the opportunity to ask candidates a few questions before proceeding to vote. Note: If a candidate is unable to attend the

meeting, the application can still be considered, and voting will be based on the application only.

The process will be carried out in a public session and there must be no discussion between members prior to a vote being taken. Note: where the council are discussing the merits of a candidate and personal attributes, this could be prejudicial, and the council should resolve to exclude members of the press and public.

If a candidate is a relative of a councillor, that councillor should declare a prejudicial interest and withdraw from the meeting.

When all candidates have finished giving their submissions, the council will proceed to vote with each candidate being proposed and seconded by the councillors in attendance and a vote by a show of hands. A recorded vote may be requested (Local Government Act 1972, section 12, para. 39).

In order for a candidate to be elected to the council, it will be necessary for them to obtain an absolute majority of votes cast (50% plus 1 of the votes available at the meeting).

If there are more than two candidates and there is no candidate with an overall majority in the first round of voting, the candidate with the least number of votes will drop out of the process. Further rounds of voting will then take place with the process repeated until a candidate has an absolute majority.

Only those parish/town councillors present at the meeting may vote upon a person to fill the vacancy. Councillors will have one vote per vacancy to be filled. The Chair has the casting vote. Votes cannot be made by proxy.

The Clerk will notify Electoral Services of the new councillor appointment, initiate 'Acceptance of Office' paperwork and 'Registration of Interests' within twenty-eight days of being elected.

If insufficient candidates come forward for co-option, the process should continue whereby the vacancies are advertised again.

If there is more than one vacancy and the number of candidates equals the number of vacancies, all the vacancies may be filled by a single composite resolution. Note: if the number of candidates exceeds the number of vacancies each vacancy must be filled by a separate vote or a series of votes.

Highcliffe & Walkford Parish Council is not obliged to fill all vacancies but must take steps to advertise for further co-options or hold an election, where applicable, to fill vacancies.

Any candidate(s) found to be offering inducements of any kind will be disqualified.

6. Elected Councillors – Co-option

Successful co-opted candidates become councillors with immediate effect and are no different to any other member.

Co-opted members will be asked to sign a Declaration of Acceptance of Office and agree to abide by the Local Government Code of Conduct introduced under the Localism Act 2011. They may take their seat at council and are then able to be appointed to a committee.

Any application can be considered in a candidates(s) absence but, if successful, members would need to agree for him/her to sign the Declaration of Office in accordance with Local Government Act 1972, section 83(3), either before or at the next Full Council meeting.

7. Applying for a Casual Vacancy

Candidates who are interested in applying for a casual vacancy need to wait until the public notice appears. Candidates can write to the parish/town council directly expressing their interest in the casual vacancy and request that it considers their application when it has authority to co-opt (please refer to item no. 2 - Co-option Stage 1).

8. REVIEW

This policy was reviewed by the Highcliffe & Walkford Parish Council on 27 July 2022
The next review date is May 2024

9. REFERENCES

Data Protection Act 1998
Equality Act 2010
Employment Rights Act 1996
The Human Rights Act 1998
Local Government Act 1972 sch12, para 39
Local Government Act 1972, s79 and s80
Local Government Act 1972, s83(3)
NALC Legal Briefing L15-08

APPENDIX A

CO-OPTED COUNCILLOR

PERSON SPECIFICATION

COMPETENCY	ESSENTIAL	DESIRABLE
Personal Attributes	• Sound knowledge and understanding of local affairs and the local community. • Forward thinking.	• Can bring a new skill, expertise or key local knowledge to the Council.
Experience, Skills, Knowledge and Ability	• Ability to listen constructively. • A good team player. • Ability to undertake a variety of projects. • An 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 (e.g. voluntary groups, other parish Councils, principal authority, charities). • Ability and willingness to undertake induction training and other relevant training. • Ability and willingness to attend meetings of the Council. • Ability and willingness to represent the Council at other meetings, as necessary.	• 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.

APPENDIX B

Councillor Co-option Eligibility Form

Are you a British subject, citizen of the Commonwealth or a citizen of the European Union?	Yes/No
On the 'relevant date' (i.e. the day on which you are nominated or if there is a poll on the day of election) are you 18 years of age or over?	Yes/No
Are you registered as a local government elector for the parish/town of Highcliffe & Walkford Parish Council?	Yes/No
During the whole of the twelve months preceding the date of your co-option, have you occupied as owner or tenant, land or other premises in the parish/town of Highcliffe & Walkford Parish Council	Yes/No
During the whole twelve months preceding your co-option, has your principal or only place of work been in the parish/town of Highcliffe & Walkford Parish Council	Yes/No
During the whole of the twelve months preceding your co-option, have you lived in the parish/town of Highcliffe & Walkford Parish Council or within three miles of Highcliffe & Walkford Parish Council	Yes/No
Under the Local Government Act 1972, section 80, a person is disqualified from being elected as a local councillor or being a member of a local council if specific criteria are not met:	
Are you an employee of Highcliffe & Walkford Parish Council ?	Yes/No
Are you the subject of a bankruptcy restrictions order or interim order?	Yes/No
Within the last five years, have you been convicted of an offence in the UK, Channel Islands or the Isle of Man which resulted in a sentence of imprisonment (whether suspended or not) for a period of three months or more, without the option of a fine?	Yes/No
Are you disqualified by order of a court from being a member of a local authority?	Yes/No

Declaration

I, , hereby confirm that I am eligible for the vacancy of Highcliffe & Walkford Parish Council and the information given on this form is a true and accurate record.

APPENDIX C

Application for Co-option (Casual Vacancy - Councillor)

First Name	
Surname	
Address, including postcode	
Mobile	
Landline	
Email	

Please tell us what experience you can bring to Highcliffe & Walkford Parish Council **- for example, previous local government experience, work in the voluntary or charitable sector and/or business experience.**

Please continue on an additional page if required.

Please tell us the skills that you can bring to Highcliffe & Walkford Parish Council **- for example, professional qualifications, financial or project management expertise.**

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Please continue on an additional page if required.

Please explain why you are interested in becoming a parish/town councillor.

Please continue on an additional page if required.

Please include any other information you would like to add in support of your application.

Please continue on an additional page if required.

Are there any questions that you would like to ask Highcliffe & Walkford Parish Council ?

DECLARATION

I declare that the information I have provided in this application is, to the best of my knowledge, accurate and true.

Signature: **Date:**

Print Name:

PRIVACY NOTICE

Highcliffe & Walkford Parish Council is committed to protecting and respecting the privacy of everyone and ensuring it is fully compliant under the General Data Protection Regulations and the Data Protection Act 2018. We process your personal data in

accordance with the law, please see the privacy notice on our website www.highcliffewalkford-pc.gov.uk. which provides more details on the processing of data.
Please send the completed eligibility and application forms to: Highcliffe & Walkford Parish Council, Old School House, 254 Lymington Road Highcliffe, BH23 5ET or by email to clerk@highcliffewalkford-pc.gov.uk

For official use only:

Application checked	
Application acknowledged	
Date of committee meeting	
Application decision Yes/No	
Applicant notified of decision	