

Wortwell Parish Council Co-opting Policy

Adopted: February 2018
Reviewed: July 2024
Next Review Due: July 2027

Scope and purpose

This policy aims to explain the procedure regarding co-option. The information contained in it is to be used by members of the Council and members of the public. The aim of the policy is also to show that the Council endeavours to treat all applicants fairly and alike, and to ensure that the process is also seen as fair, open and transparent.

Background

Ordinary elections are held every 4 years, in 2023, 2027, 2031 etc. and Councillors are elected to serve a 4-year term of office. A casual vacancy occurs when a Parish Councillor resigns, dies, ceases to be qualified, or becomes disqualified, at any time during the 4-year period. The vacancy must be filled, either by election, or co-option, except during the last 6 months of the 4-year term, when the Council may co-opt.

Qualifications to be a Councillor

A person is qualified to be elected and to be a Councillor if they are a British citizen, an eligible Commonwealth citizen, or a citizen of the Republic of Ireland, a qualifying EU citizen or an EU citizen with retained rights on the relevant day (that is, the day of nomination or election) and they are aged 18 or over.

In addition, the person must meet at least one of the following criteria:

1. on the relevant day and thereafter they continue to be on the electoral register for the parish in which they wish to stand, or
2. during the whole of the twelve months before that day they have owned or tenanted land or premises in the parish area, or
3. during the whole of the twelve months before that day their main or only place of work has been in the parish area, or
4. during the whole of the twelve months before that day they have resided in the parish or within three miles of it.

Except for qualification (1), these qualifications then continue for the full term of office, until the next ordinary elections.

Certain people are disqualified from standing, and these include paid officers (including the Clerk) of the Council, bankrupts and those subject to recent sentences of imprisonment.

The Causes of a Casual Vacancy and the Effective Date of the Vacancy

1. Failure to complete a declaration of acceptance of office within the proper time. This must be done before or at the first meeting of the Council, unless the council permits

otherwise. The effective date of the vacancy is the closing date for making declarations of acceptance of office.

2. When a notice of Resignation has been received. A councillor may at any time resign their office by written notice delivered to the Chairman of the Parish Council, the chairman resigns to the Council – delivered to the Clerk. There is no special form for the notice. There is no procedure for withdrawing a resignation.

3. Holds any paid office or employment (other than the office of chair, vice chair or deputy chair) to which he has been appointed by the Council or any committee or sub-committee of the Council, or by a paid officer of the Council, or by any joint committee on which the Council is represented.

4. Is the subject of a bankruptcy restrictions order or interim order (a bankruptcy restrictions order is not issued for every bankrupt as it depends on the behaviour of the bankrupt whether it is applied or not).

5. Has within five years before the day of election or since their election been convicted of any offence and has had passed on them a sentence of imprisonment of at least three months (whether suspended or not) without the option of a fine.

6. Has been found guilty of corrupt or illegal practices or was responsible for incurring unlawful expenditure and the court orders his disqualification.

7. A Councillor ceases to hold office if they fail to attend any meetings of their Council for a period of six months, and their apologies have not been received or approved by the council. In this case a casual vacancy would then exist.

Notice of the Casual Vacancy must be given

As soon as practicable a notice of casual vacancy should be put on noticeboards in the parish. Copies of the notice are supplied by South Norfolk Council's Electoral Services Team.

The notice allows ten electors of the parish to request that an election be held to fill the vacancy. There is no form of words for this request, which might simply be a letter headed with such words as "We the undersigned being electors for the Parish, call for an election to fill the vacancy arising from the [death/resignation] of ..." It is helpful if the ten signatures are accompanied by printed names, addresses and electoral numbers from the current electoral register.

The request is sent to the Returning Officer of South Norfolk Council and must be received within fourteen days computed in accordance with the election rules. The election must then be held within sixty days of the date of the notice of casual vacancy.

If no request is received, then, after the expiry of the fourteen-day period, the Council shall co-opt a person to fill the vacancy as soon as is practicable.

In the case of a casual vacancy occurring in the last six months before the ordinary elections, the council is required to give a notice of the casual vacancy, but an election is not held. The Council may co-opt if it wishes, leaving any unfilled vacancies to be filled at the ordinary elections.

If an election is called for

The Returning Officer will set a date for polling day, and the election process will begin with the publication of a notice of election, copies of which will be supplied to the clerk. That notice informs the electors where they may obtain nomination papers and the date by when they should be delivered. It gives the dates by which applications to vote by post or proxy must be made. It also gives the date of the poll in the event of a contest.

Co-option

The council may co-opt whoever it pleases to fill a casual vacancy. However, that person must be qualified to serve as a Councillor.

Applications

We aim to encourage applications from anyone in the parish who is eligible to stand. Councillors or parishioners can approach individuals to suggest that they might wish to consider putting their names forward for co-option. When a vacancy arises, the Parish Council will consider how best to advertise the vacancy and decide upon applications.

All potential candidates will be asked to put their request for consideration in writing, to include:

- reason for wishing to be a Councillor;
- previous community/council work; and
- other skills they can bring to the Council

Next Parish Council meeting following application

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.

The Council may conduct interviews, either by the entire Council or by a delegated group. The attached Appendix will be used as the basis of ascertaining a candidate's suitability for co-option. The final decision, however, must be made by the full Council.

At the full Council meeting, the Chairman can invite the candidates an opportunity to speak if they are in attendance, and to allow Councillors the chance to ask questions of the candidates.

In the event of a candidate being unable to attend, his/her application will still be considered by members.

Voting to Co-opt a Councillor

In the event of a candidate being related to a Councillor, then the Councillor would be expected to declare an interest and request a dispensation to speak and vote.

Only Councillors present at the meeting may nominate, second or vote upon a person to fill the vacancy. A Councillor may only nominate or second one candidate.

Where there are more candidates than vacancies, a vote should take place. Voting takes place using show-of-hands or closed ballot. The decision must be made by a majority of Councillors who are present and voting. Where there are more than two candidates for the vacancy, it may be necessary to run a series of votes, each time removing the candidate who has the least number of votes until one candidate secures an absolute majority. If there is more than one vacancy, then each vacancy must be filled by a separate vote or series of votes. The person presiding over the meeting may vote, and if there is an equality of votes they may exercise their casting vote.

The Council's debate and vote on the co-option must be conducted in the public section of its meeting. It follows that the candidates, as members of the public, will be entitled to be present during the proceedings.

Starting as a Councillor

The Clerk to approach and offer co-option to candidate(s) after the meeting in the order of priority determined by the vote. 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.

The Clerk will notify Electoral Services of the new councillor appointment, initiate 'Acceptance of Office' and 'Registration of Interests' paperwork, to be completed within 28 days of co-option.

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

The Council will consider what induction, training and other support should be given to the new Councillor.

If no one accepts the vacant post(s), the whole process is to be repeated when new individuals expressing interest are identified. Advertisement may continue.

Complaints

Complaints made under this policy should be referred to the Clerk as identified under the Council's Complaints Policy.

Appendix – Ascertaining a Candidate's Suitability

Personal specification for a co-opted councillor.

Competence	Essential	Desirable
Personal Attributes	• Demonstrate care about the community and be willing to take an active role • 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 (e.g., 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.	

Suggested questions to ask candidates:

1. Please briefly outline why you are interested in being a Parish Councillor.
2. Please tell us something about the life experience you will bring to the Council. For example, work in the voluntary or charitable sector, business or trade union experience.
3. Please tell us something about the skills you feel you will bring to the Council, for example, professional qualifications, financial or project management expertise, listening and organisational skills.
4. Please give an example of how you have made/are making a difference to your local community (competency based question).
5. Are there any questions you would like to ask the council?