

Willoughton Parish Council

Co-option Policy

1. Introduction

This policy sets out the procedure to ensure there is compliance with legislation and continuity of procedures in the co-option of members to Willoughton Parish Council. The Co-option procedure will ensure that a fair and equitable process is conducted.

2. Co-option

The Co-option of a Parish 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.
- A councillor fails for six (6) months to attend meetings of a council committee or sub-committee.

The Clerk must notify the Returning Officer at West Lindsey District Council of a Casual Vacancy. The District Council then sends the Clerk a notice to display on-line and on the parish noticeboards to give electors the opportunity to request a by-election. This occurs when ten+ electors write to the Returning Officer at the District Council stating that an election is requested.

If a by-election is called, a polling station will be set up by the District Council within the next sixty working days and the people of the parish will be asked to go to the polls to vote for candidates who will have put themselves forward by way of a nomination paper. The District Council will pass all associated costs of the by-election onto the parish council to pay. The people of the parish have fourteen days (not including weekends, bank holidays and other notable days), to claim the by-election, but the district council electoral officer will advise the clerk of the closing date.

If more than one candidate is then nominated a by-election takes place, but if only one candidate is put forward they are duly elected without a ballot.

If ten residents **do not** request a ballot within fourteen days of the vacancy notice being posted, the District Council Returning Officer will notify the Clerk that the Parish Council is now free to co-opt.

3. Confirmation of Co-option

On receipt, of written confirmation from the Returning Officer, the casual vacancy can be filled by means of Co-option, the Clerk will:

- Advertise the vacancy on the parish notice boards, the internet and any local newsletters, magazines, and newspapers.
- Advise that the Co-option Policy has been instigated.

NALC recommends that local councils always give public notice of vacancies because this makes the process of co-option open and transparent and should attract more potential candidates.

The 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. However, it is not desirable that electors in a particular

ward be left partially underrepresented for some significant lengths of time. Neither does it contribute to effective and efficient working of the Council if there are insufficient councillors to share the workload or to provide a broad cross-section of skills and interests, or the achieving of meeting quorums without difficulty.

Councillors elected by co-option are full members of Willoughton Parish Council.

4. Eligibility of Candidates

Once it is satisfied that a candidate is eligible to be co-opted onto a council, NALC recommends that a local council should employ a fair and transparent process to assess the suitability of a proposed candidate who wishes to be co-opted. A local council should assess if a proposed candidate has the skills expected and or has any additional expertise or areas of interest which will assist the council exercise their various functions.

The Parish Council can consider any person to fill a vacancy provided that:

- You are a British, EU or Commonwealth Citizen.
- You are at least 18 years old.
- You are currently a registered elector for the parish of Willoughton.
- You have resided in the parish for the past twelve months or currently rent/tenant land or other premises in the parish.
- Your principal place of work is within in the parish or live within three miles (direct) of the parish.

There are certain disqualifications for election, of which the main are (see 5. 80 of the Local Government Act 1972):

- You are employed by the parish council or employed by an entity under the control of the parish council such as one of its contractors.
- You have been declared bankrupt.
- You are subject to a debt relief order.
- You have been sentenced to a term of imprisonment (whether suspended or not) of three+ months, without the option of a fine during the five years preceding the election.
- You are disqualified under any enactment relating to corrupt or illegal practices, under the Representation of the People Act 1983 including offences relating to donations.

Candidates found to be offering inducements of any kind will be disqualified.

Prior to Co-option, the Clerk will check on-line Govt bankruptcy registers. Should your name appear on the bankruptcy register, you will be disqualified automatically.

5. Applications

Members may point out the vacancies and the process to any qualifying candidate(s).

Although there is no Statutory Requirement to do so, candidates will be requested to complete the Co-option application form.

The application shall be posted or emailed to the Clerk. Following receipt of applications, the Clerk shall arrange at the next suitable council meeting for an agenda item *'To receive written applications for the office of Parish councillor and to Co-opt a candidate to fill the existing vacancy'*.

Copies of the candidate's applications will be circulated to **all** Councillors by the Clerk at least three clear days prior to the meeting of the full Council, when the Co-option will be considered. All such documents will be treated by the Clerk and **all** Councillors as 'Strictly Private and Confidential.'

All applicants will be sent a full agenda of the meeting at which they are to be considered for appointment. Candidates will also be informed that they will be invited to speak about their application at the meeting.

6. At the Co-option Meeting

At the Council meeting considering the co-option, the chair will adjourn the meeting to allow each candidate to speak. Applicants will be given five minutes' (each) maximum to introduce themselves to the Members, give information on their background/experience and explain why they wish to become a Member the Parish Council.

Once each candidate has spoken, the chair shall reconvene the meeting, ask the candidates, and resolve to exclude the members of the public and press to leave the room so that the Council can discuss the merits of each applicant and their personal attributes. The Clerk shall remain to take minutes and advise on any legal matters.

The council will then proceed to a vote on the acceptability of each candidate using the 'person specification' criteria set out in Appendix A as a guide, and any personal statements provided by candidates. This will be done for each candidate being proposed and seconded by the Councillors in attendance and a vote by a show of hands. The vote will be recorded to show whether each Councillor present and voting gave his/her vote for or against that candidate being co-opted.

For a candidate to be co-opted to Willoughton Parish Council, it will be necessary for them to obtain an absolute majority of votes cast (50% + 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. In the case of an equality of votes, the Chairman of the meeting has a second casting vote.

However, if the Council has declared that none of the applicants are suitable, the Council does not have to appoint them and will re-advertise the vacancy for fresh candidates repeating the procedure.

After the votes has been concluded and the decision made, the Chairman will allow the candidates to re-enter the room in turn, but the members of the press and public are still excluded. This is to allow the Council to either decline the applicant or offer to co-opt the candidate to the Council. Once each candidate has been seen, the Chair will re-admit the members of the press and public. The Chair will declare the successful candidate(s) duly elected and after the Clerk has arranged for the successful candidate (s) to sign their declaration of acceptance of office, may take their seat immediately.

The Clerk will notify Returning Office at the District Council of the new Councillor appointment. The successful candidate(s) must complete the 'registration of interests' within 28 days of being elected. The Clerk will pass this to the new member(s) to complete. The form must then be handed to the Clerk for forwarding to the Monitoring Officer at the District Council.

If insufficient candidates come forward for co-option, or the Council deemed candidates were not suitable, the process should continue, whereby the vacancies are again advertised.

Appendix A

CO-OPTED COUNCILLOR PERSON SPECIFICATION

COMPETENCY	ESSENTIAL	DESIRABLE
Personal Attributes	<ul style="list-style-type: none"> • Sound knowledge and understanding of local affairs and the local community. • Forward thinking. 	<ul style="list-style-type: none"> • Can bring a new skill, expertise, or key local knowledge to the Council.
Experience, Skills, Knowledge and Ability	<ul style="list-style-type: none"> • Ability to listen constructively. • Good people skills and able to contribute opinions at meetings whilst willing to see others' views and accept majority decisions. • Ability to communicate succinctly and clearly, including by email. • Ability to remain calm and professional in a heated debate. • A good team player. • Ability and willingness to collaborate closely with other members and to maintain good working relationships with all members and staff. • Be enthusiastic. • Ability to pick up and run with a variety of local projects. • A solid interest in local matters • Ability and willingness to represent the Council and their community. • Ability and willingness to collaborate 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. 	<ul style="list-style-type: none"> • 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. • Good standard of computer literacy.
Circumstances	<ul style="list-style-type: none"> • 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. • Flexible and committed to the Council, and its staff 	

This document was adopted by the Council at the meeting held on: 27th July 2023