Willington Parish Council

Procedure for co-option of Councillors

Background

Parish Councils can 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 14 day public notice and less than 10 registered electors have requested an election by the deadline date specified by the CWaC Democracy and Elections Officer). This procedure describes the steps required to progress co-option to Willington Parish Council. It is based on NALC Legal Briefing L15-08 – Good practice for selection of candidates for co-option to local Councils.

The Parish Council is not obliged to co-opt to fill any vacancy; it is not obliged to select anyone from the candidates who apply.

Councillors selected by co-option are full members of the Parish Council with immediate effect. They will hold office until the next scheduled Council elections are held or they resign from the Council.

Policy

It is of paramount importance that all applicants are treated equally so that arrangements are (and are seen to be) open, fair and transparent.

1. 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. This makes the process of co-option open and transparent, and should attract more candidates.

   On instruction from the Council, the Clerk will place a notice announcing that the vacancy(ies) can be filled by co-option and ask for expressions of interest. The notice will be placed on the Parish Council noticeboard and website. It will include:

   - a contact point (usually the Clerk) where expressions of interest can be registered or further information obtained regarding the Parish Councillor role
   - a closing date for expressions of interest which should be in writing (e-mail or paper).

   Councillors should seek and encourage applications from anyone who is eligible to stand as a Parish Councillor. Councillors and parishioners can legally approach individuals to suggest they might wish to consider putting their names forward for co-option.

2. All candidates will be requested to:
   i. put their request for consideration in writing with a brief personal statement which should cover such things as:
      - reason for wishing to be Councillor
      - previous community/council work
      - other skills and experience they can bring to the Council
   ii. complete the current Councillor Application & Eligibility Form.

3. The co-option process should take place at the next Full Council meeting or at an Extraordinary meeting (if the Chairman considers that an Extraordinary meeting is required in order to complete the co-option in a timely manner). The Clerk will invite all candidates to the meeting.

At the meeting:

i. The Clerk will confirm that each candidate (based on their completed Councillor Application & Eligibility Form) is qualified to become a Councillor and is not disqualified as set out in the Local Government Act 1972 s79 and s80.
ii. The Chairman will invite each candidate to briefly talk through their personal statement and then offer the Councillors the opportunity to question the candidate. If the candidate is not present, then the Council will just consider their personal statement.
iii. If there are the same number or fewer candidates than vacancies, the Parish Council may vote on a composite motion that the candidate(s) be co-opted.
iv. If the number of candidates exceeds the number of vacancies, the Council will then discuss each candidate and decide via voting, which candidate(s) to offer co-option to. The discussion should be based on the personal statements provided by candidates and the responses to any questions asked during the meeting.
v. Candidates and members of the public should be excluded from the meeting during the discussion and voting.
vi. An absolute majority vote is required to select a candidate for co-option (LGA 1972 Sch. 12. Para 39). The successful candidate(s) will be decided by voting as described in Section 24 of the Willington Parish Council Standing Orders.

After the meeting:

i. Following the conclusion of the vote, the successful candidate(s) should be approached within 24 hours of the meeting by the Chairman or Clerk to offer co-option. If the first choice does not accept the post, then the second candidate in the vote will be approached and so on until the ranking list is exhausted.
ii. The Clerk will notify the Democracy and Elections Officer at CWaC of the co-option of the new Councillor(s).
iii. The Clerk will initiate 'acceptance of office' and 'registration of interests', paperwork with the new Councillor. The documents must be completed and signed, and in the case of 'registration of interests' published on the Parish Council and CWaC websites within 28 days of co-option.
iv. If no one accepts the vacant post(s), the whole process will be repeated when new individuals expressing interest are identified or until the next election.

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