



CO-OPTION PROCEDURE

September 2019 v1.0

1 Introduction

This procedure is based on NALC Legal Briefing L15-08: Co-option.

Parish Councils are permitted to exercise the power to co-opt a person on to 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 Borough Returning Officer).

If a council decides not to co-opt, after 35 days the Borough Council has the right to appoint somebody to fill the vacancy, though this rarely happens.

2 Co-option Procedure

The procedure for co-option is as follows:

- The council must resolve whether to co-opt or leave the vacancy until the next ordinary elections to co-opt. If it decides to co-opt:
- The clerk will advertise the vacancy on notice boards, website and social media 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. All potential candidates will be requested to complete the co-option application form, with a suitable closing date.
 - 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.

- The clerk will confirm the eligibility of each candidate (see NALC Legal Topic Note 8) and inform any who are not eligible as soon as practical.
- The clerk will include 2 items on the agenda of the first full council meeting after the closing date for applications:
 - Item to allow each candidate to make a statement
 - Closed item for members to discuss the merits of each application.

At the next Full Council meeting:

1. Clerk will 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.
2. Each eligible candidate will be allotted an amount of time, to be set by the Chairman, to make a statement in support of their application.
3. The meeting will then be closed in order for Council to consider the applications and members of the public and press will be asked to leave.
4. After suitable discussion, members will vote on the acceptability of each candidate for co-option, Acceptability should be determined using the 'example person specification' criteria set out below, modified as required to suit the particular requirements of the Council, and the application from 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 casted will be deleted and the vote taken again and again etc. until the number of candidates equals the number of vacancies);
5. Members must vote to select the order in which acceptable candidates should be approached to offer co-option on this occasion.
6. The meeting will then be reopened and the Chairman will announce which candidate will be asked to fill the vacancy. The Chairman must give other candidates and members of public the opportunity to question the council on the reasons for its decision.
7. Candidates will be notified formally by e-mail of the Council's decision within 48 hours. The Clerk will then approach and offer co-option to the chosen 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.
8. Assuming that the co-option position is filled, the Council will formally ratify the appointment at the **next Full Council meeting.**
9. The Clerk will notify Electoral Services of the new Councillor Appointment, initiate 'acceptance of office' paperwork and 'registration of interests'
10. If no one accepts the vacant post, the whole process is to be repeated when new individuals expressing interest are identified or until the vacancy is filled or a decision is made to suspend the process until the next election.

3 Example Person Specification

COMPETENCY	ESSENTIAL	DESIRABLE
Relevant knowledge, Education, Professional Qualifications & Training	<ul style="list-style-type: none"> • Sound knowledge and understanding of local affairs and the local community. • Other requirements as appropriate 	<ul style="list-style-type: none"> • A levels/Degree level and or: • Specific Vocational training or professional qualification (e.g. accountant, teacher, surveyor, architect) may be specified.
Experience, Skills, Knowledge and Ability	<ul style="list-style-type: none"> • Solid interest in local matters. • Ability and willingness to represent the Council and their community. • Good interpersonal skills. • Ability to communicate clearly both orally and in writing. • Ability and willingness to work closely with other members and to maintain good working relationships with all members and staff. • Good reading and analytic skills. • 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 relevant training. • Ability to work under pressure. 	<ul style="list-style-type: none"> • Knowledge of HR, procurement, contract management, financial control or risk management and compliance, public relations • Experience of working in another public body or not for profit organisation • 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. • Experience of working with the media. • Experience in financial control/budgeting • Experience of staff management
Other requirements	<ul style="list-style-type: none"> • Ability and willingness to attend meetings of the council (or the meetings of other local authorities and local bodies) in the evening and events in the evening and at weekends. • Flexible • Enthusiastic. 	