



CO-OPTION PROCEDURE

November 2020 v1.1

1 Introduction

This procedure is based on NALC Legal Topic Note LTN 8: Elections and Co-option. It deals with co-option to the council in the event of a casual vacancy; for the procedure that applies if too few councillors stand for election please see LTN 8.

Parish Councils must co-opt a person 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 the vacancy falls within the 6-month period before an election the council may, but need not, fill the vacancy.

If a council does not co-opt when it should, 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:

- If the vacancy falls within the 6-month period before an election the council must resolve whether to co-opt or leave the vacancy until the next ordinary elections.

If co-opting:

- The clerk will advertise the vacancy on notice boards, the website and social media as appropriate 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 LTN 8) and inform any who are not eligible as soon as practical.

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. If the number of candidates is less than or equal to the number of vacancies, all must be co-opted.
4. In cases where there are more candidates than vacancies, a council will need to fairly consider who to co-opt and any skills and expertise that each candidate may have may be taken into account according to a council's particular needs. Acceptability may 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 form provided by candidates.
5. 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 cast will be deleted and the vote taken again and again etc. until the number of candidates equals the number of vacancies.
6. Each remaining candidate will be asked to fill a 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. If any candidate declines to take up their post, the Clerk will then approach and offer co-option to the next candidate (if there is one) in the order of priority determined by the vote.
8. Assuming that the co-option position is filled, the Council will ask the new councillor(s) to sign their acceptance of office at the next Full Council meeting.
9. The Clerk will notify Electoral Services of the new Councillor Appointment and organise the completion of the registration of interests.
10. If any post remains vacant, the co-option process is to be repeated until the vacancy is filled or, if by then it is within 6 months of an election, 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. 	