

BILBROOK PARISH COUNCIL

Policy and Procedure for Co-Opting a New Councillor

This procedure is based on NALC Legal Briefing LTN 8 – Elections and Co-option. Parish Councils are permitted to exercise the power to co-opt a person onto the Council to fill a vacancy not filled at a Parish Council Election or a casual vacancy when the requirements to hold an election have not been met (i.e. 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 Returning Officer).

Of paramount importance is that all applicants are treated alike so that arrangements are seen to be open, fair and transparent. This policy sets out the process to be followed by Bilbrook Parish Council when co-option is under consideration. Councillors elected by co-option are full members of the Parish Council.

Whenever the need for co-option arises, Bilbrook Parish Council will advertise on the Parish noticeboard and website the vacancy to encourage 'expressions of interest' by a specified date from anyone eligible to stand as a Councillor. All potential candidates will be required to send a written expression of interest to the Parish Clerk along with a personal statement giving reasons why they are interested in joining the Parish Council and what particular set of skills and experience they can bring to the role. Applicants are encouraged to attend a Parish Council meeting before applying to become a Councillor. The process will be as follows:

- 1) The 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; (see **Appendix A**)
- 2) Copies of the candidates' expression of interest will be sent to all Parish Councillors (considering data protection legislation)
- 3) Candidates will be invited to the next Parish meeting to introduce themselves and to provide Councillors with the opportunity to ask questions of them.
- 4) If a candidate is a relative of a Councillor or has connections with any candidate which may be perceived as prejudicial, that Councillor should declare an interest and withdraw from the meeting and will not be allowed to vote.
- 5) Parish Councillors will vote to select a candidate following the standing orders ("Voting on Appointments") taking into account the acceptability of each candidate for co-option, utilising the 'person specification' criteria set out in **Appendix B** below and the personal statements provided by candidates. Only Councillors present at the meeting may vote upon a person to fill the vacancy Councillors will have one vote per vacancy to be filled.
- 6) If there is more than one vacancy to be filled and more candidates than spaces, the "grass skirts" method is the suggested means of conducting the vote, whereby each councillor has a number of votes equal to the number of candidates.
- 7) The Clerk will count the votes. The Chair of the meeting will have the deciding vote if there is no majority.
- 8) The Council has the right to leave a vacancy if they feel the candidate(s) is(are) not suitable.
- 9) The Chair will announce the result of the vote and offer co-option to the candidate(s) receiving the most votes. 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.
- 10) The candidate will complete the following paperwork at the meeting:
 - a. Acceptance of office form
 - b. Declaration of interest form
 - c. Acceptance of the code of conduct

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(Copies of all paperwork will have been sent to candidates before the meeting)

- 11) The chair will welcome to newly co-opted councillor to the meeting.
- 12) The council reserves the right to undertake interviews before the meeting commences if there is a very full agenda.
- 13) The Clerk will notify South Staffordshire Council Electoral Services of the new Councillor appointment and send their completed declaration of interest form.

If no one accepts the vacant post(s) at the meeting, the whole process is to be repeated.

Date of Review	Description of Revision
Sept 2023	<ul style="list-style-type: none">• 6. Added the grass skirts method for when there is more than one vacancy and the number of candidates exceeds the number of spaces.• 8 New paragraph.• 11. New paragraph
Sept 2022	No changes

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Appendix A

Qualifications for election and holding office as a councillor

- 1) Section 79(1) of the Local Government Act 1972 ("the 1972 Act") provides unless disqualified (see below) a person is qualified to be elected and to be a councillor if he/she is a qualifying Commonwealth citizen or an EU citizen and is 18 years of age or over and:
 - a. has resided in the parish for the past twelve months or rented/tenanted land or other premises in the parish; or
 - b. has their principal place of work in the parish; or
 - c. has lived within three miles (direct) of the parish.

Disqualifications for election and holding office as a councillor

- 2) Under section 80 of the 1972 Act, a person is disqualified from being elected or being a councillor if he:
 - a. holds a paid office with the Parish Council (other than the office of chair, vice-chair or deputy chair); or
 - b. is the subject of a bankruptcy restrictions order, an interim bankruptcy restrictions order, a debt relief restrictions order or an interim debt relief restrictions order under Schedule 4ZB of the Insolvency Act 1986;
 - c. has within five years before the day of election or since his election been convicted of any offence and sentenced to a term of imprisonment of at least three months (whether suspended or not) without the option of a fine; or
 - d. has been found guilty of corrupt or illegal practices, or was responsible for incurring unlawful expenditure and the court orders his disqualification.

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APPENDIX B: CO-OPTED COUNCILLOR PERSON SPECIFICATION

Personal Attributes

- Sound knowledge and understanding of local affairs and the local community.
- Forward-thinking
- Can bring a new skill, 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 ability 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 Community Councils, principal authority, charities).
- Ability and willingness to undertake induction training and other relevant training.
- Experience of working or being a member of a local authority or other public body
- Experience in working with voluntary and or local community/interest groups
- Basic knowledge of legal issues relating to Town, Parish and Community Councils or local authorities
- Experience in 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.

Please note it is a condition of a Councillor that a means of contact by telephone (the Parish Council office telephone number is acceptable) and email will be public information. A Declaration of Interests Form must be completed and will be published.