

HALLOW PARISH COUNCIL - WORCESTERSHIRE

COUNCIL CO-OPTION PROCEDURE

Published by WCALC: N/A

Adopted by Hallow Parish Council: SEPTEMBER 2021

Contact Details Parish Clerk: Lynne Ambury 07813728061. clerkhallowpc@gmail.com

1. Introduction

1.1. A casual vacancy occurs¹ when a councillor fails to deliver his declaration of acceptance of office at the proper time, a councillor resigns, a councillor dies, a councillor is disqualified by virtue of a criminal conviction² or a councillor fails to attend meetings for six consecutive months.

2. Notice of Vacancy

2.1. If a vacancy arises within six months of an election, the parish council can agree to wait until the elections to fill the vacancy.

2.2. In all other instances, the following process must be followed:

- a. The Clerk will complete a Notice of Vacancy form stating who and what has caused the vacancy, e.g. resignation, the date of the notice, the deadline for electors to call a by-election and the address of the Returning Officer at Malvern Hills District Council (MHDC).
- b. The form is displayed on the notice board and the parish council's website.
- c. An email is sent to inform MHDC that a vacancy has occurred with a copy of the Notice of Vacancy.

2.3. MHDC will notify the Council if a by-election has been called. If not, the parish council will be entitled to fill the vacancy by Co-option.

2.4. If a by-election is called by 10 or more electors, then MHDC will be responsible for the election process.

3. Co-option Process

3.1. An advert should be displayed on the Council notice board and website asking electors to apply for the role of councillor.

3.2. An application form and person specification (see appendix 1) should be available from the Clerk. Application forms should be submitted to the Clerk.

¹ Local Government Act 1972, section 87

² Local Government Act 2000, section 79 and Localism Act 2011 (England), section 34

- 3.3. The Clerk will review all applications to ensure that candidates are qualified to apply for the role.
- 3.4. If they are assessed as qualifying candidates, they will be invited to attend a Council meeting for a formal interview, where the decision to co-opt the candidate/s will be made³.
- 3.5. The parish council is not obliged to fill any vacancy and therefore even if it invites application for cooption, it is not compelled to select anyone from the candidates who apply. However, it is not desirable that electors in a parish are left partially or fully underrepresented for any significant length of time and this status would also not be beneficial for the effective and efficient workings of the council.
- 3.6. Councillors elected by co-option are full members of the Parish Council.
- 3.7. Following receipt of applications, the next suitable parish council meeting will have an agenda item 'To receive written applications for the office of Parish Councillor and to co-opt a candidate to fill the existing vacancy'.
- 3.8. Copies of the candidates' applications will be circulated to all Councillors by the Clerk at least 3 clear days prior to the meeting of the 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.
- 3.9. Candidates 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

4. Interview

- 4.1. *Where one candidate only* - The process will be carried out in the public session and there will be no private discussions between members prior to a vote being taken.
- 4.2. *Where more than one candidate* - Candidates will be invited to attend a parish council meeting for a formal interview and answer questions from councillors in a confidential session. After they have been interviewed candidates will be asked to leave the meeting and the decision to co-opt the candidate/s will be made.
- 4.3. Where the Council is discussing the merits of candidates and inevitably their personal attributes, this could be prejudicial and the Council will resolve to exclude the members of the press and public.
- 4.4. The person co-opted must receive a majority of votes of those councillors present at the meeting. (50% + 1 of the votes available at the meeting)
- 4.5. **Voting:** If there are more candidates than vacancies, the candidate with the least number of votes should be taken off the list of candidates, and if there are still more candidates than vacancies, the vote is taken again. This procedure should be repeated

³ 1 Local Government Act 1972, section 87 2 Local Government Act 2000, section 79 and Localism Act 2011 (England), section 34 Councillor Co-option Procedure

until the number of candidates equals the number of vacancies and each candidate has a majority vote. Voting may be by show of hands or by paper ballot.

- 4.6. If a member is not at the meeting the legislation does not provide for a proxy or postal vote.
- 4.7. Each Councillor must vote; no councillor may abstain unless an item discussed during the interview turns out to be prejudicial.⁴
- 4.8. The Chairman may only use his casting vote if two successive voting rounds are stalemated.
- 4.9. After voting has been concluded, the Chairman will declare the successful candidate(s) duly elected.
- 4.10. The Clerk will confirm candidates of the Council's decision via email after the meeting.
- 4.11. Successful candidates will be invited to join the Council from the next Council meeting when they will sign the declaration of acceptance of office. The Clerk will provide the new councillor(s) with copies of the Code of Conduct, Standing Orders and Financial Regulations.
- 4.12. The Clerk will notify Electoral Services of the new Councillor appointment(s). The successful candidate(s) must complete the 'Registration of Interests' declaration within 28 days of being elected. The form should be handed to the Clerk for forwarding to the Monitoring Officer
- 4.13. If insufficient candidates come forward for co-option, the process should continue, whereby the vacancies are again advertised.

⁴ Your personal interest will also be a prejudicial interest if all of the following conditions are met – (1) The matter being discussed affects your financial position or that of any person with whom you have a personal interest. (2) Where a member of the public who knows the relevant facts would reasonably think your personal interest is so significant that it may prejudice your judgement. (3) It is not in one of the exempt categories, namely -

- if you hold a tenancy or lease with the Authority as long as it is not relevant to your particular lease or tenancy
- setting Council Tax or a precept
- any ceremonial honour
- statutory sick pay, if you are in receipt of such
- school meals or transport unless specific to your child's school or where you are a parent-governor

APPENDIX 1

Councillor 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 use personal IT equipment to receive emails and documents for review and respond timeously. • 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 	