

FELTON PARISH COUNCIL

CO-OPTION TO VACANCIES POLICY

Adopted by Felton Parish Council at its Meeting held on []: Minute []

Review Date: May 2023

1. INTRODUCTION

- 1.1. Although the process for co-option to vacancies of local councils is not prescribed in law, NALC's Legal Briefing LTN 8 Issued February 2022 provides guidance.
- 1.2. 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 Felton Parish Council when co-option is under consideration.
- 1.3. Whenever the need for co-option arises, Felton Parish Council will seek and encourage applications from anyone who is eligible to stand as a Parish Councillor (*see Section 3 Qualifications/Disqualifications*). Councillors and parishioners can legally approach individuals to suggest they might wish to consider putting their names forward for co-option and encourage them to register their expression of interest.
- 1.4. Any applicants/candidates found to be offering inducements or any kind of undue pressure will be disqualified.
- 1.5. Co-opted Councillors are full members of the Parish Council.

2. CO-OPTION PROCESS

- 2.1. In the event of a vacancy occurring due to the resignation, death or ineligibility of a Councillor, the Clerk will immediately inform the Monitoring Officer at Northumberland County Council (NCC).
- 2.2. Should the requisite 10 electors of the Parish have **not** called for a poll (by-election) within the legally specified time period (currently 14 working days) following the publication of the Notice of Vacancy, the Parish Clerk is notified by NCC that the vacancy(s) may be filled by co-option. The Parish Council may then proceed to co-opt as soon as practicable. Where the vacancy occurs within six months before the date when the councillor in question would have regularly retired, e.g., four days after the next ordinary election, the Parish Council must give notice of the vacancy but need not fill it.
- 2.3. On receipt of written notification from the Monitoring Officer at NCC that a casual vacancy can be filled by means of co-option, the Clerk will place a notice announcing that the vacancy(s) can be filled by co-option and invite expressions of interest/applications. The notice will be placed on the Parish Council Noticeboard and the Parish Council's website, and will include:
 - A contact point so that people considering putting their names forward for co-option can obtain more information on the role of a parish councillor.
 - Contact details to where expressions of interest should be made (usually the Clerk, via email or hard copy)

3. QUALIFICATIONS / DISQUALIFICATIONS

- 3.1. Qualification Criteria:
 - 3.1.1. British or a citizen of the Commonwealth or European Union; **and**
 - 3.1.2. At least 18 years old; **and**

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- 3.1.3. One of the following:
 - Registered on the electoral register to vote in the parish; **or**
 - Has resided in the parish or within three direct miles of the parish boundary for the past twelve months; **or**
 - Has had their principal place of work within the parish for the past 12 months; **or**
 - Has occupied land as owner or tenant within the parish for the past 12 months.
- 3.2. Disqualifications:

There are certain disqualifications for election (see Section 80 of the Local Government Act 1972), of which the main are:

 - 3.2.1. holding a paid office under the local authority;
 - 3.2.2. bankruptcy;
 - 3.2.3. having been sentenced to a term of imprisonment (whether suspended or not) of not less than three months without the option of a fine during the five years preceding the election; and
 - 3.2.4. being disqualified under any enactment relating to corrupt or illegal practices.

4. APPLICATION PROCESS

- 4.1. When expressions of interest are received, the Clerk will provide all applicants with the Parish Council's Application & Eligibility Form (*see below in Appendix A*). The form is also available to download from the Parish Council's website.
- 4.2. All candidates are asked to complete the Councillor Application & Eligibility Form (*Appendix A*) and redacted copies will be circulated to all Parish Councillors with the agenda packs prior to a full meeting of the Parish Council where the co-option is to be considered. All such documents will be treated by the Clerk and Councillors as strictly private and confidential.
- 4.3. The Clerk will then consider completed forms to check that the individual(s) meets with the qualification requirements.
- 4.4. Co-option Candidates will be informed of the date of the meeting at which the Parish Council will make its decision(s). Notice of a "Motion to co-opt a Councillor(s)" will be included on the agenda of the next Parish Council meeting.
- 4.5. Candidates will be invited to the meeting to introduce themselves and speak in support of their application. It will also provide Councillors with the opportunity to seek, through the Chair, clarification on submissions within the application form that they are not sure of, or the Parish Council may decide to rely on the written submissions alone. *The Parish Council may decide to hold a closed session **only** to discuss the merits of the submissions.*
- 4.6. Only Councillors present at the meeting may vote upon a person to fill the vacancy.
- 4.7. 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. Under any of these circumstances a vote by the Councillor concerned is not allowed.
- 4.8. The Parish Council will appoint co-opted members by voting according to Standing Orders.
- 4.9. If there are exactly as many as, or fewer candidates than vacancies, the Parish Council may vote on a composite motion that all candidates be co-opted.

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4.10. If there are more candidates than vacancies, Arnold Baker's "Local Council Administration" recommends that:

Where more than two persons have been nominated for a position to be filled by the Council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. A tie in votes may be settled by the casting vote from the chairman of the meeting.

4.11. After the vote:

- 4.11.1. Any Candidates that are not present at the meeting, will be notified of the results by the Clerk, as soon as is reasonably possible (usually within 24 hours).
- 4.11.2. Successfully co-opted candidates become Councillors in their own right, with immediate effect, and are no different to any other member. As such, they must sign the Declaration of Acceptance of Office immediately or if not present, before or at their first meeting. Successful candidates must also complete the Registration of Interests Form within 28 calendar days of their appointment.
- 4.11.3. The successful candidate(s) must also confirm that they will comply with and abide by the Parish Council's Code of Conduct, as they had previously indicated on their Application and Eligibility Form.
- 4.11.4. The successful candidate's term of office runs until the next quadrennial elections for the Parish Council.

NOTES:

Legislation covering casual vacancies can be found at The Local Elections (Parishes and Communities) (England and Wales) Rules 2006:

<http://www.legislation.gov.uk/ukSI/2006/3305/article/5/made?view=plain> and NALC LTN 8 Elections and Co-option.

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or by email to feltonparishcouncil@gmail.com

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PERSON SPECIFICATION

	<i>ESSENTIAL</i>	<i>DESIRABLE</i>
Relevant Knowledge, Professional Qualifications & Training	<p>A willingness to understand local affairs and the local community.</p> <p>Ability and willingness to undertake relevant training.</p>	<p>On occasion, the Parish Council may seek to co-opt an applicant with a particular background, skill set or qualification. If so, this will be specified in the advert for the vacancy.</p>
Relevant Skills	<p>Interest in local matters.</p> <p>Ability and willingness to represent the Council and their community.</p> <p>Good interpersonal skills.</p> <p>Ability and willingness to work closely with other members and to maintain good working relationships with all members of staff.</p>	
Other requirements	<p>Commitment to attend monthly meeting of the council (currently on the first Monday of the month at 7:15pm) and occasional additional meetings.</p> <p>Enthusiastic.</p>	