

Co-option Policy and Procedure

1. Introduction

This policy sets out the procedure to be followed when Neatishead Parish Council fills a casual vacancy by co-option.

The Council is committed to ensuring that the co-option process is fair, transparent and conducted in accordance with statutory requirements and recognised best practice.

This policy is based on the Local Government Act 1972 (as amended) and guidance issued by the National Association of Local Councils (NALC).

2. Legal Framework

A casual vacancy arises where a councillor:

- Resigns
- Dies
- Becomes disqualified
- Fails to attend meetings for six consecutive months
- Otherwise vacates office under statute

When a casual vacancy occurs, the Council must follow the statutory process to give public notice.

Where fewer than ten local government electors request an election within the prescribed period, the Council may fill the vacancy by co-option in accordance with Section 89 of the Local Government Act 1972.

The power to co-opt must be exercised at a properly convened Full Council meeting.

3. Eligibility

A person is eligible to be co-opted if they meet the qualification requirements under Section 79 of the Local Government Act 1972 (as amended) and are not disqualified under Section 80.

The Clerk will provide prospective candidates with a summary of eligibility criteria.

Candidates must complete and sign a declaration confirming they are eligible and not disqualified.

The Council relies on the candidate's declaration and does not independently verify eligibility.

4. Advertising the Vacancy

Although not a legal requirement, the Council will normally advertise vacancies to promote openness and encourage applications.

Advertisements may be placed:

- On the Council website
- On parish noticeboards
- Via social media
- In local publications where appropriate

The advertisement will include:

- Confirmation of the vacancy

- Eligibility requirements
- Application method
- Closing date
- Clerk's contact details

Applicants will ordinarily be given at least 21 days to apply.

5. Application Process

Interested parties will be sent a declaration of eligibility and application form (Appendix A)

The Clerk will make available background information on the councillor role upon request.

Attendance at a council meeting prior to application is welcomed but not required.

6. Consideration of Applications

All valid applications received by the closing date will be circulated to councillors.

The Council will not apply additional informal or undisclosed criteria.

The Council may resolve to shortlist if the number of applicants is high. Any shortlisting will be based solely on information provided and applied consistently.

7. Co-option Meeting Procedure

Co-option will be included as a specific agenda item and conducted in public session unless legally permitted otherwise.

Procedure:

1. The Chair will outline the process.
2. Candidates may be invited to introduce themselves briefly.
3. Councillors may ask factual questions through the Chair.
4. The Council will then proceed to debate.
5. Voting will take place by show of hands unless Council resolves to use a secret ballot.

An absolute majority of those present and voting is required.

Where more candidates stand than vacancies:

- The candidate with the fewest votes will be eliminated after each round
- Voting will continue until a majority is achieved

In the event of a tie, a further vote will be taken. If necessary, the Chair may exercise a casting vote in accordance with Standing Orders.

The successful candidate is duly co-opted upon resolution of the Council.

The decision takes effect immediately.

8. Interests and Impartiality

Councillors must declare any disclosable pecuniary or other interests relating to a candidate in accordance with the Code of Conduct.

Where a conflict of interest exists, the councillor must act accordingly and may be required to withdraw from discussion or voting.

9. Acceptance of Office

The successful candidate must:

- Sign the Declaration of Acceptance of Office before or at the first meeting attended as a councillor
- Complete a Register of Interests within 28 days

The Clerk will notify the principal authority and update Council records.

10. Data Protection

The Council's Data Protection Policy and Privacy Notice applies and the Council will process personal data in accordance with the UK GDPR and Data Protection Act 2018.

Application information will:

- Be used solely for the purpose of co-option
- Be shared only with councillors for decision-making
- Be retained only as necessary
- Be securely disposed of thereafter

11. Equality and Non-Discrimination

The Council's Equality, Diversity and Equal Opportunities Policy applies.

No applicant will be treated less favourably on the basis of protected characteristics including age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage or civil partnership, or pregnancy and maternity.

Selection will be based solely on eligibility and the information provided by candidates.

12. Review

This policy will be reviewed periodically to ensure continued legal compliance and alignment with best practice.

Appendix A Application and Declaration of Eligibility Form for The Role of Parish Councillor with Neatishead Parish Council

Full name:

Home address Inc. Postcode:

Contact number:

Email:

Legal Qualifications for Being a Parish Councillor

Please ring the appropriate criteria that you are claiming from the list below. If applicable you can claim as many of these criteria as possible.

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 a they are a qualifying Commonwealth citizen, Irish citizen, or a citizen of a country with relevant voting and candidacy rights in the UK and on the day on which they are co-opted they are 18 years of age or over and:

- a) On that day they are and thereafter they continue to be a local government elector for the area of the authority; or
- b) They have during the whole of the 12 months preceding that day occupied as owner or tenant any land or premises in that area; or
- c) Their principal or only place of work during that 12 months has been in that area; or
- d) They have during the whole of those 12 months resided in that area; or
- e) in the case of a member of a parish or community council they have during the whole of those 12 months resided either in the parish or community or within three miles of it.

A person is a qualified Commonwealth citizen if they are a Commonwealth citizen who either-

- is not a person who requires leave under the Immigration Act 1971(the 1971 Act) to enter and remain in the United Kingdom, or
- is such a person but for the time being has (or is, by virtue of any enactment, to be treated as having) indefinite leave to remain within the meaning of the 1971 Act.

A person is not a qualifying Commonwealth citizen if they do not require leave to enter or remain in the United Kingdom by virtue only of section 9 of the 1971 Act (exceptions to requirement for leave in special cases)

With reference to c) above, a person is qualified for re-election under paragraph c) if they are already a Councillor.

Disqualifications for holding office as a Councillor.

In accordance with section 80 of the 1972 Act, a person is disqualified from being elected (coopted) or being a Councillor if they:

- a) hold any paid office or employment (other than the office of Chair, Vice Chair or Deputy Chair) to which they have been appointed by the council or any committee or subcommittee of the council, or by a paid officer of the council, or by any joint committee on which the council is represented; 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; or
- c) has within five years before the day of election or since their 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 their disqualification.

In relation to a) above, when dealing with an office of profit, it is irrelevant that no profit was actually received.

I hereby declare that I meet the criteria ringed above to hold office as a Councillor and that having considered the above disqualification criteria, I am not disqualified from holding office of a Councillor.

Signed..... Date:

Please complete the table on the next page, which is the information which will be shared with Councillors. The information on this page is for Officers only.

Name:

Application for casual vacancy of Parish Councillor for Neatishead Parish Council

Please briefly outline of why you are interested in being a Parish Councillor. Please use additional paper as necessary.

Please tell us something about the experience you will bring to the Council

Please tell us something about the professional or personal skills you feel you will bring to the Council:

Are there any questions you would like to ask the council?

Please tick to confirm you have visited Neatishead Parish Council website or requested information from the Clerk and have read:

The Good Councillor's Guide ☐

Code of Conduct ☐

Signed..... Date:

Forms to be returned the parish clerk: clerk@neatisheadpc.norfolkparishes.gov.uk