



# Holybrook Parish Council

Proudly serving the residents of Holybrook Parish since 2000

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## Co-option Policy & Procedure

### 1. INTRODUCTION

The process for co-option is laid out in the Local Elections (Parishes and Communities Rules 2006) and the Local Government Act 1972. This policy sets out, in detail, the circumstances which permit and legislation relating to the co-option of persons to fill the vacancies within the parish council and is based on NALC Legal Briefing L15-08 which recommends good practice to be taken in respect of a co-option process.

Of paramount importance is that all applicants are treated alike and that the processes are open, fair and transparent. This policy sets out the process to be followed by Holybrook Parish Council when co-option is under consideration.

### 2. NOTIFICATION

2.1 There are two circumstances under which the Electoral Officer of West Berkshire Council (WBC) will notify Holybrook Parish Council that it may proceed to fill a casual vacancy by co-option:

- a) when a seat has been left vacant because no eligible<sup>1</sup> candidate stood for election at the full elections for a new council. In this instance, the Parish Clerk would be notified of vacancies by WBC and that efforts must be made to fill the vacancies by co-option. The Council will be notified and it will decide if it wishes to fill the vacancy by giving public notice of such vacancy.
- b) during the life of a council when a seat has fallen vacant because of, for example, a resignation, death or a person ceases to qualify to be a councillor. The Parish Clerk will immediately notify the Electoral Officer and the vacancy will be advertised. If the required 10 electors of the Parish have not called for a poll (by-election) within the legally specified time-period (currently 14 days) following publication of the Notice of Vacancy, the Parish Clerk would be notified by WBC that the vacancies can be filled by co-option. The Council will be notified and they must give public notice of the vacancy and intention to co-opt.

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<sup>1</sup> Appendix 1 for Qualification/Disqualification information

- 2.2 The Parish Council is not obliged to co-opt to fill any vacancy. Even if the Council invites applications for co-option it is not obliged to select anyone from the candidates who apply.
- 2.3 However, it is not desirable that electors be left partially or fully unrepresented for a significant length of time. Neither does it contribute to effective and efficient working of the Council if there are insufficient councillors to share the workload equitably; to provide a broad cross-section of skills and interests; or to achieve meeting quorums without difficulty, given that some absence is unavoidable at times.
- 2.4 A Parish Council functions best when it most fully reflects the demographics of the area it represents. Therefore, the Council, when advertising a vacancy, may highlight and encourage candidates from groups which are, currently, under-represented on the council i.e. persons below the age of 50, women and persons from ethnic minority groups. As well as areas of the Parish which are underrepresented, for example, east of Kennet Valley School.
- 2.5 Councillors elected by co-option are full members of the Council. Holybrook Parish Councillors receive no remuneration or allowances for their time/work as a parish councillor.

### **3. APPLICATION PROCESS TO BE FOLLOWED**

- 3.1 On receipt, of written notification, from the Electoral Officer at West Berkshire Council that a casual vacancy may be filled by means of co-option and on instruction from the Council:
  - a) The Parish Clerk will announce the vacancy or vacancies to be filled by co-option within 21 days of receipt of the written notification by means of displaying a Notice on the Council Noticeboard and website.
  - b) The Co-option Notice will include the closing date of requests for consideration (between 14 and 30 days after the date of the display) and the number of vacancies.
  - c) The Co-option Notice will also be displayed in other locations if instructed by the Council.
  - d) The Parish Clerk will advise the Council when the co-option process has been instigated by notifying all councillors.
- 3.2 Members may point out the vacancies and the process to any qualifying applicant(s).
- 3.3 Applicants are recommended to read the publication, "The Good Councillor Guide" which explains more about the role and the responsibilities of councillors; copies are available on request. If you have any questions, you are welcome to raise them with the Parish Clerk.
- 3.4 Applicants are advised to attend at least two parish council meetings prior to making an application to ensure that they fully understand the role into which they will be entering.

- 3.5 Applications are to be submitted to the Parish Clerk either by e-mail, hand or post.
- 3.6 Following receipt of eligible applications, the Clerk will invite all applicants to attend a mutually convenient, informal interview with the Council Chairman and, at least, one other member.
- 3.7 After 3.4 to 3.6 are complete, all eligible applicants will be invited to attend the next available Full Council meeting to give a short presentation to all members outlining their reasons for wanting to become a councillor. The Parish Clerk will provide applicants with an agenda for the meeting, which will be held at the Beansheaf Centre. Details of Parish Council meeting dates are available on the website or from the Clerk.
- 3.8 At this same meeting, applications will be considered by Members. 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.
  - 3.8.1 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.
  - 3.8.2 If there are more candidates than vacancies, the co-option will be decided by a show of hands of the Members. Voting will be according to the statutory requirements, in that, a successful candidate must have received an absolute majority vote of those present and voting. In the case of an equality of votes, the Chairman of the meeting has a second or casting vote.
  - 3.8.3 If there are more than two candidates for one vacancy and not one of them, at the first count, receives a majority over the aggregate votes given to the rest, steps must be taken to strike off the candidate with the least number of votes and the remainder must then be put to the vote again; this process must, if necessary, be repeated until an absolute majority is obtained.
- 3.9 On successful co-option, applicants immediately become a parish councillor and will be invited to sign a Declaration of Acceptance of Office which completes the process for joining the Council. Within 28 days of co-option applicants are also required to complete a Register of Disclosable Pecuniary Interests which will be provided by the Parish Clerk and, once completed, issued to the Monitoring Officer. The Register of Disclosable Pecuniary Interests must be published publicly and a copy will be added to the Parish Council website.
- 3.10 Successful candidate(s), by accepting their co-option, confirm that they will comply with and abide by the Parish Council's Code of Conduct. Should the new Councillor not comply with or breach the Code of Conduct, the Monitoring Officer at West Berkshire Council will be advised, who will then deal with the matter.
- 3.11 Unsuccessful applicants can request that their details be kept on file for up to 6-months should any new vacancies arise.

3.12 Applicants found to be offering inducements, of any kind, at any stage in the co-option process, will be disqualified.

3.13 The successful candidate(s)' term of office runs until the next quadrennial elections for the Parish Council.

#### 4. PERSON SPECIFICATION

4.1 NALC's legal briefing suggests a personal specification that identifies attributes that a Parish Council should be looking for when co-opting a councillor.

4.2 We welcome people with a wide range of life skills and experience that reflects the local community. We are looking for councillors who can bring enthusiasm and commitment as well as some of the following:

<b>COMPETENCY</b>	<b>DEMONSTRATED BY:</b>
Personal Attributes	<ul style="list-style-type: none"> <li>• Sound knowledge and understanding of local affairs and the local community.</li> <li>• Forward thinking.</li> <li>• Can bring a new skill, expertise or key local knowledge to the Council.</li> </ul>
Experience, Skills, Knowledge and Ability	<ul style="list-style-type: none"> <li>• Ability and willingness to represent the Council and their community.</li> <li>• Good interpersonal skills.</li> <li>• Ability to communicate succinctly and clearly.</li> <li>• Ability to listen and feedback constructively.</li> <li>• Ability and willingness to work closely with other members and to maintain good working relationships with all members and staff.</li> <li>• Ability and willingness to work with the Council's partners (e.g. voluntary groups, other parish councils, principal authority, charities).</li> <li>• Ability and willingness to undertake relevant training (see separate training policy for more details).</li> </ul>
Circumstances	<ul style="list-style-type: none"> <li>• 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.</li> <li>• Flexible and committed to the Council. Enthusiastic.</li> </ul>

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|  | <ul style="list-style-type: none"><li>• Willingness to attend appropriate training courses or seminars.</li></ul> |
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<b>Date Policy Adopted:</b>	Monday 15 <sup>th</sup> May 2023
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<b>Date of Next Review:</b>	May 2027
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## APPENDIX 1

### Councillor Eligibility

In order to be eligible for co-option as a Holybrook Parish Councillor you must be:

A British subject, or a citizen of the Commonwealth or the European Union and 18 years of age or over on the 'relevant date' (i.e. the day on which you are co-opted).

**You must additionally be able to meet one of the following qualifications,**

- (a) Registered as a local government elector for the parish; or
- (b) During the whole of the twelve months preceding the date of my co-option, occupied as owner or tenant, land or other premises in the parish; or
- (c) During the whole of the twelve months preceding the date of my co-option, occupied as owner or tenant, land or other premises in the parish;
- (d) Principal or only place of work during those twelve months has been within the parish;
- (e) During the whole twelve months, resided in the parish, or within 3 miles of it.
- (f) Registered as a local government elector for the parish of Holybrook

**Please note that under Section 80 of the Local Government Act 1972 a person is disqualified from being elected as a Local Councillor or being a member of a Local Council if he/she:**

- a) holds any paid office or employment of the local council (other than the office of Chairman) or of a joint committee on which the Council is represented; or
- b) is a person who has been adjudged bankrupt or has made a composition or arrangement with his/her creditors\* (but see below); or
- c) has within five years before the day of co-option, or since his/her co-option, been convicted in the UK, Channel Islands or Isle of Man of any offence and has been sentenced to imprisonment (whether suspended or not) for not less than three months without the option of a fine; or
- d) is otherwise disqualified under Part III of the representation of the People Act 1983 for corrupt or illegal practices.

\*This disqualification for bankruptcy ceases in the following circumstances:-

- i. if the bankruptcy is annulled on the grounds that either the person ought not to have been adjudged bankrupt or that his/her debts have been fully discharged;
- ii. if the person is discharged with a certificate that the bankruptcy was caused by misfortune without misconduct on his/her part;
- iii. if the person is discharged without such a certificate.

In (i) and (ii) above, the disqualification ceases on the date of the annulment and discharge respectively. In (iii), it ceases on the expiry of five years from the date of discharge.

## APPENDIX 2

### APPLICATION FORM

**Surname:**  **Forename(s):**

**Date of birth:**

**Address:**

**Telephone:**  **Email:**

Please give details of any experience that may be relevant to the Parish Council – for example, previous local government experience, work in the voluntary sector or business experience:


Please tell us briefly why you wish to become a Parish Councillor and the skills you feel you will bring to the Council, for example, professional qualifications, financial management experience, listening or organizational skills.
