

GRIMLEY PARISH COUNCIL - WORCESTERSHIRE

COUNCIL CO-OPTION PROCEDURE

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Note – the process for co-option is not set in law but the following is based on WCALC best practice.

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 in good time. Applicants should contact the Clerk to satisfy themselves of any deadlines.

¹ Local Government Act 1972, section 87

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

- 3.3. a. The Clerk can review all applications to ensure that all sections have been completed but is not required to ensure that candidates are qualified to apply for the role. **It is for a candidate to correctly complete the form, correctly make all declarations and to decide whether they are eligible/qualified to apply.**
- b. If an application is received at a meeting, the Clerk can be instructed to review the application there and then to see if all sections have been completed. Where all sections have been completed, the Councillors may proceed if they wish to include that applicant in the interview/co-option process at that same meeting. Where sections have not fully been completed and where there are other candidates at the meeting and where sufficient fully completed applications have already been received prior to that meeting, then Councillors may proceed to co-opt those applicants and need not consider incomplete or last minute applications either then or at future meetings. NB the onus is on the applicant to submit their application in good time in order to prevent any difficulties.
- 3.4. Candidates completing their application in good time before a parish council meeting, (the Clerk can inform applicants of any deadlines in the run up to a meeting), 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 co-option, 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. The only difference is that councillors elected by co-option (co-opted councillors) are not permitted to claim expenses – whereas councillors elected at an election organised by MHDC in public are permitted to claim expenses once a year.
- 3.7. Following receipt of applications, the next suitable parish council meeting will have an agenda item nominally 'To receive written applications for the office of Parish Councillor and to co-opt a candidate to fill the existing vacancy'. This may be split into two parts if a confidential discussion of candidate/s merits is required. See Appendix for detailed example agenda wording. The wording is not exact and the Clerk can amend as necessary.
- 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 be asked if any reasonable adjustments need to be made to assist their attendance at the meeting.
- 3.10. If a candidate is unable to attend the meeting, the application can still be considered, and voting will be based on the application only.

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

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 councillors prior to a vote being taken.
- 4.2. *Where more than one candidate* - Each candidate will be interviewed privately and individually. See Appendix for wording to use in the meeting agenda.
- 4.3. After they have been interviewed, candidates will be asked to leave the room if/whilst the Council wishes to discuss the merits of the applications/candidates – nb this could be prejudicial and if not already taken place the Council can resolve to exclude the members of the press and public. Nb.....

Confidential session - motion and resolution to move into a closed session without prejudice and exclude members of the press and public because of the confidential nature of the business to be transacted.

- 4.4. After any deliberations in 4.3, the confidential session will 'close' and candidates and public and press will be invited back in to observe the Nomination, Seconding and voting (by show of hands or paper ballot) and any decision to co-opt the candidate/s.
- 4.5. The person co-opted must receive a NOMINATION and SECONDING AND a majority of votes of those councillors present at the meeting. (50% + 1 of the votes available at the meeting). If a candidate has no nomination or seconding, then they cannot proceed to the section for vote and are considered rejected candidates.
- 4.6. **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 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.
- 4.7. If a Councillor is not at the meeting the legislation does not provide for a proxy or postal vote.
- 4.8. Each Councillor must vote; no councillor may abstain unless an item discussed during the interview turns out to be prejudicial.⁴
- 4.9. The Chairman may only use his casting vote if two successive voting rounds are stalemated.

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

- 4.10. After voting has been concluded, the Chairman will declare the successful candidate(s) duly elected.
- 4.11. The Clerk will also confirm to candidates the Council's decision via email after the meeting.
- 4.12. 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.
- 4.13. 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
- 4.14. If insufficient candidates come forward for co-option, the process should continue, whereby the vacancies are again advertised.
- 4.15 The decision of the Chair is considered final at all times.

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 	

Appendix 2 - Standard application form for co-option to Grimley Parish Council.

APPLICATION FOR CO-OPTION TO FILL A CASUAL VACANCY FOR A PARISH COUNCILLOR

'Co-option' may happen when a vacancy occurs on a parish council (this occurs during the four-year term when a Councillor resigns, dies or becomes disqualified). This is known as a CASUAL VACANCY. The nomination qualifications required of an applicant for either an ordinary vacancy (insufficient candidates at an election) or a casual vacancy are the same in accordance with S79 of the Local Government Act 1972.

If you wish to be considered for co-option on to this parish council, please complete this form and return to the Clerk:

Lisa Stevens, Clerk to Grimley Parish Council,
9 The Limes, Kempsey, Worcs, WR5 3LG,
01905 820956, 07950256363,
parishclerk@grimley-pc.gov.uk

Information in other formats.

If you need help accessing this form or require it to be provided in large print/other formats, we will do our best to accommodate you. Please just ask.

Deadlines

There is usually a deadline before the next parish council meeting by which co-option applications must be received. This is so that the Clerk can verify eligibility. Please phone the Clerk to check the deadline for a particular vacancy.

Emailed copies

Electronic copies will be happily accepted if the signature has been completed by hand and then the application form scanned in and emailed.

Paper copies

Candidates are politely reminded to pay the correct postage, if submitting their application form via post.

What we will do with your data

Completing and submitting this form means that you accept that your personal details will be stored electronically by the Parish Clerk. Unsuccessful applicants will have their details deleted 4 months after the end of the process. Please see our privacy notice for more information – available on our website or a paper copy upon request from the Clerk.

Declaration of Interests

Successful applicants will be required to complete:

- a) an Acceptance of Office form at the first parish council meeting. This signed form will be stored by the parish Clerk, and:
- b) a Declaration of Interests form within 28 days of co-option, which will be publicly available on the Malvern Hills District Council website for the duration of service to the Parish Council. This includes home address and employment.

Continued overleaf

Term of Office

Positions as parish councillor end after four years and are then offered to residents for formal election. In this case May 2027.

Co-option procedure and interviews

Please see the policy document 'COUNCIL CO-OPTION PROCEDURE' for details of how co-option will proceed. In the event of any query being made in relation this application the decision of the Parish Council Chair will be final. If for any reason an applicant/applicants are not selected then the vacancy/vacancies will be re-advertised in accordance with parish council procedure.

Appeals and information from the District Council

Email: meesha.patel@malvern hills.gov.uk

Telephone: 01684 862316

Meesha is District Monitoring Officer which is the Statutory Officer with regards to member/councillor conduct and governance issues and the Councils Data Protection Officer.

Application form for co-option to Grimley Parish Council - PART 1 of 2

Last updated 14/02/2022.

Full name of candidate	Mr /Mrs / Ms / Other please state: First name Other names Surname
Address of candidate It is important but not essential that this matches the address on the Register of Electors, where known.	
Email NB. Minutes & Agendas are issued by the Clerk via email only.	
Home phone number & Mobile	
Reasonable adjustments	Are any reasonable adjustments need to be made to assist your attendance at parish council meetings? Please give details here: <input type="checkbox"/> Yes / <input type="checkbox"/> No
Noticeboard information Your Name only must be included as a matter of course to the parish council website. Your Name and Address only must be included as a matter of course to the District Council website, unless you come to a separate arrangement with that authority.	Do you consent to your name, address, phone number and email being included on paper copies of contact details on the parish council noticeboards? Name <input type="checkbox"/> Yes / <input type="checkbox"/> No Address <input type="checkbox"/> Yes / <input type="checkbox"/> No Phone number <input type="checkbox"/> Yes / <input type="checkbox"/> No Email <input type="checkbox"/> Yes / <input type="checkbox"/> No
Parish Council ' Whats App ' group	Do you consent to being included in the parish council 'Whats App' group? <input type="checkbox"/> Yes / <input type="checkbox"/> No
Social Media Our Social media and IT policy will be provided to you if co-opted.	Do you agree NOT to post items on social media specifically in a capacity as a Parish Councillor without previous agreement from Full Council? <input type="checkbox"/> Yes / <input type="checkbox"/> No

<p>Age requirement</p> <p>Please contact the Electoral Commission if you have any questions about this requirement.</p>	<p>Will you be at least 18 years old on the date of co-option?</p> <p><input type="checkbox"/> Yes / <input type="checkbox"/> No</p>
<p>Eligibility to stand for co-option</p> <p>In order for your eligibility to be confirmed, please tick any of the following that apply to you:</p> <p>It is important that you tick as many of these boxes as relevant.</p> <p>Please contact the Electoral Commission if you have any questions about the requirements.</p>	<ol style="list-style-type: none"> 1. <input type="checkbox"/> My name is on the current electoral register. (The clerk can verify this for you with sufficient notice.) 2. <input type="checkbox"/> I have lived in the parish or within 3miles/4.8kms of the parish boundary (as the crow flies) for at least 12 months. 3. <input type="checkbox"/> My main place of business has been based in the parish for at least 12 months. Proof may be requested in the event of multiple candidates applying for one seat. 4. <input type="checkbox"/> I have occupied property within the parish for at least 12 months.
<p>Employment.</p> <p>Persons employed by the parish council are not permitted to hold public office in that same parish.</p>	<p>Please tick to confirm that you are not <u>currently</u> employed by this parish council authority:</p> <p><input type="checkbox"/> Yes</p>
<p>Criminal convictions</p> <p>Please contact the Electoral Commission if you have any questions about the requirements.</p>	<p>Please call the Clerk to arrange to discuss confidentially any criminal convictions that you have had or currently had, PRIOR to submitting your application form.</p> <p>The law will be considered and an agreement will be confidentially determined between the applicant, the Clerk and the district council Monitoring Officer as to whether any previous or existing convictions are a barrier to application.</p> <p>Current bars from holding public office include:</p> <ul style="list-style-type: none"> - Anti-Social Behaviour Injunction - Inclusion on the Sex offenders' register - Being subject to a bankruptcy order - Being convicted of an offence resulting in a prison sentence. <p><input type="checkbox"/> Yes, I confirm that I have discussed the above with the Clerk if applicable.</p>
<p>Signed</p> <p>NB. Electronic signatures can be accepted if signature is scanned.</p>	<p>I am not aware of any disqualification to my serving as a Councillor.</p> <p>Signature</p> <p>Name</p> <p>Date</p>

Application form for co-option to Grimley Parish Council - PART 2 of 2

A good councillor needs to be a:

1. **Juggler** - balancing the different needs of the variety of residents and people in the parish.
2. **Mediator** - bringing together individuals and agencies in their area and across the public, private and voluntary sectors in their communities to tackle social, economic and environmental challenges.
3. **Guide** - acting as a community leader and making sure residents, communities and businesses in their areas are aware of all decisions being made and how they can be involved.
4. **'Cleaner'** (*metaphorical*)- working to make their local area a better place to live and work. Acceptance of the necessity of the parish council climate change declaration is important.
5. **Questioner** - ensuring there is democratic accountability and scrutiny for public services and ensuring service providers deliver quality and value for money.
6. **Good employer** – a defining indicator of good council is how it looks after its people. Councils which support their staff and are respectful and fair to their employees are better able to deliver their objectives and adapt to changing needs or priorities. Whether the council employs a single member of staff for a few hours a week, or a large and varied team of individuals, good employment practice from recruitment through to support and development is key to achieving the best outcomes for your communities.
7. **Realist** - The powers of a parish council are limited. Councillors should make sure that they attend training in order to understand what can and can't be done.
8. **Respectful** – towards fellow Councillors, the Clerk and members of the public. Remember that your colleagues are volunteers too. Scrutiny is important but so is compassion and understanding of other people's point of view. Remember that your Clerk is employed and may not simply be able to walk away from the post in a way that Councillors can. Make the working environment friendly and conducive to success. Councillors will be required to sign the RESPECT pledge and NOLAN principles. <https://www.nalc.gov.uk/our-work/civility-and-respect-project>
9. **Online AND in person** – recognise that the internet provides a unique opportunity to participate in interactive discussions and share information, whilst not forgetting those sections of the community who struggle with or chose to absent themselves from technology. It is the policy of this council to provide summons and papers for meetings electronically only.

Application form for co-option to Grimley Parish Council - PART 2 of 2

Indicate in no more than 300 words why you would like to join the Parish Council

Appendix 3 - How to word the matter of co-option within an agenda

To receive written applications for the office of Parish Councillor and to co-opt a candidate to fill the existing vacancy/ies.

a. Interview of candidates in confidential session - motion and resolution to move into a closed session without prejudice and exclude members of the press and public because of the confidential nature of the business to be transacted.

b. Co-option for up to vacancies x (insert number)

The vacant positions are already duly advertised, with no election being called. The parish council may co-opt up to x councillors to fill the vacancies. The process will proceed as per the parish council co-option policy, which can be accessed on our parish council website or a paper copy ordered from the Clerk, or by scanning this QR code with a mobile phone.



There have been x residents showing an interest and at the time of closing the agenda we had received x applications.