

Councillor Co-option Policy

Introduction

This policy sets out the procedure to ensure there is compliance with legislation and continuity of procedures in the co-option of members to Littlemore Parish Council. The Co-option procedure is entirely managed by Littlemore Parish Council and this policy will ensure that a fair and impartial process is carried out.

The Parish Council recognises that the power to fill a casual vacancy by co-option under the **Local Government Act 1972** is a discretionary function. No individual has an automatic right to be co-opted, even if they satisfy the basic legal eligibility criteria under **Sections 79 and 80 of the 1972 Act**.

There are 16 seats on Littlemore Parish Council. Each seat represents a ward. Littlemore Parish Council wards are: Bodley Road (2 seats), Littlemore (13 seats), Sandy Lane West (1 seat). A casual vacancy arises when a seat for a ward is vacant ("Casual Vacancy"). There can be multiple casual vacancies if more than one seat is vacant.

Parish Councils are permitted to exercise the power to co-opt a person on to the Council to fill a Casual Vacancy when the requirements to hold an election have not been met, i.e., The Casual Vacancy has been the subject of a public notice and less than 10 registered electors have requested an election by a deadline date specified by the District Returning Officer.

Although seeking 'expressions of interest' is not a legal requirement, the National Association of Local Councils (NALC) recommends that Councils always give public notice of vacancies because this makes the process of co-option open and transparent and should attract more potential candidates.

Whenever the need for co-option arises, Littlemore Parish Council

will advertise the vacancy to seek and encourage 'expressions of interest' by a specified date from anyone in the Parish who is eligible to stand as a Parish Councillor.

The Council will only exercise its discretion to coopt where it is satisfied that doing so would promote the efficient, transparent, and reputable conduct of the Council's business and uphold public confidence in local governance.

Co-option

The advertisement will be displayed on the Council noticeboard(s) and website, for 30 consecutive days before any co-option will take place.

The Co-option of a Parish Councillor occurs when a Casual Vacancy has arisen on the Council and no by-election has been called.

This could be as a result of:

- A Councillor failing to make their declaration of acceptance of office in the appropriate time,
- A Councillor resigns,
- A Councillor dies,
- A Councillor becomes disqualified; or
- A Councillor failing throughout a period of six consecutive months, from the date of their last attendance, to attend any meeting of the council, including committee or subcommittee meetings, unless the failure was due to some reason approved by the Council before the expiry of that period.
- A Councillor fails for six months to attend meetings of a council, a committee or subcommittee or to attend as a representative of the Council a meeting of an outside body.

Littlemore Parish Council must notify the District Council (Oxford City Council) of a Casual Vacancy and then advertise the Casual Vacancy and give electors the opportunity to request an election.

This occurs when ten electors write to the Oxford City Council stating that an election is required.

If a by-election is called, a polling station will be set up by the Oxford City Council and the residents of the parish will be asked to go to the polls to vote for candidates who will have put themselves forward by way of a nomination paper. Littlemore Parish Council will pay the costs of the election. Residents of Littlemore Parish have fourteen days (not including weekends, bank holidays and other notable days) to claim the by-election. However, the electoral officer will advise the Parish Clerk of the closing date.

If more than one candidate is nominated for a Casual Vacancy, a by-election takes place.

If ten residents do not request a ballot within fourteen days of the Casual Vacancy notice being posted, as advised by the Oxford City Council, Littlemore Parish Council is able to co-opt.

Note: If there were insufficient nominations to fill all the seats at a quadrennial local election the council can co-opt suitable persons within 30 days of that election without needing to comply with the statutory rules relating to co-option.

Confirmation of Co-option

On receipt of written confirmation from the Electoral Services Office of the Oxford City Council, the Casual Vacancy can be filled by means of Co-option, and the Parish Clerk will:

- Advertise the Casual Vacancy for four weeks on the Council notice boards, website and other Council social media.
- Advise Littlemore Parish Council that this Co-option Policy has been instigated.

Littlemore Parish Council will fill the Casual Vacancy as soon as

practicable. Even if the Council invites applications for co-option, it is not obliged to select anyone from the candidates who apply. However, it is not good practice that electors be left partially or fully underrepresented 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. If there is a Casual Vacancy less than six months before the next quadrennial elections, Littlemore Parish Council may, but is not bound to, fill the Casual Vacancy by co-option.²

Councillors elected by co-option are full members of Littlemore Parish Council.

Residents will be invited to make “expressions of interest” to become a Parish Councillor. This will be an informal application, by email or word-of-mouth.

While not mandatory, making an expression of interest is preferred before making formal application.

The Parish Council will offer all those making such an expression of interest the opportunity to sit down with one or more of us for an informal chat so they can:

- Get a clear understanding of the role of the Parish Council
- Learn what is expected of a Parish Councillor
- Understand that being a Councillor means they are taking on a role in public life.
- Be informed about things like the Nolan Principles, Code of Conduct, Social Media Policy etc.
- Obtain proposer and seconder signatures for their Formal Application.

Eligibility of Candidates

Littlemore Parish Council may consider any person to fill a Casual

Vacancy that:

- Is an elector for the parish; or
- Has resided within three miles of the parish for the past twelve months or rented/tenanted land or other premises in the parish; or
- Has his/her principal place of work in the parish

The candidate must be proposed and seconded by existing Littlemore Parish Councillors, and this must be included on their application.

There are certain disqualifications for election³, of which the main ones are:

- Holding a paid office under the local authority.
- Bankruptcy.
- 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
- Being disqualified under any enactment relating to corrupt or illegal practices.

Candidates found to be offering inducements of any kind will be disqualified.

Standards and Suitability

In addition to legal eligibility, the Council will consider whether a candidate meets standards of suitability, having regard to the **Seven Principles of Public Life (the "Nolan Principles")**: Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty, and Leadership.

A candidate may be deemed unsuitable, and thus ineligible, where, in the reasonable opinion of the Council, their prior conduct or circumstances are such that their appointment could:

- Undermine public confidence in the Council or local government generally.
- Impair the Council's ability to work collectively and effectively.
- Bring the Council or the parish into disrepute.
- Breach or risk breaching the **Local Government Association Model Councillor Code of Conduct (2020, as amended)** upon taking office.

Examples of unsuitability may include (but are not limited to):

- Persistent or serious abusive, intimidatory, or disrespectful behaviour towards councillors, employees, or members of the public.
- A demonstrated inability to adhere to principles of integrity or confidentiality.
- Conflicts of interest of such a nature that they would materially restrict the individual's effective participation in Council business.
- Associations or conduct which, while not constituting statutory disqualification, would reasonably be regarded as inconsistent with holding elected office.

Candidates must have conducted their personal and professional life in a way which does not risk adversely affecting the Council's standing or reputation.

Applications

Members may point out the Casual Vacancy and the process to any qualified candidate(s). A 'person specification' is set out at Appendix A for guidance.

Although there is no statutory requirement to do so, candidates will

be required to:

- Submit information about themselves, by way of completing a short application form (Appendix B); and
- Confirm which Casual Vacancy they wish to apply for. Candidates can apply for more than one Casual Vacancy (Appendix B).

There are statutory regulations that qualify a candidate in becoming a Councillor so candidates will be required to:

- Confirm their eligibility for the position of Councillor within the Statutory rules (Appendix C).

Once both forms have been submitted to the Clerk, the next suitable Council agenda will include an item 'Co-option – To receive and consider applications for co-option to the Council'.

Copies of the candidates' applications for the Casual Vacancy will be circulated to all Councillors by the Clerk at least three clear days prior to the meeting of the full 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.

Candidates will be sent a full agenda of the meeting at which they are to be considered for appointment, together with a copy of the Code of Conduct, Standing Orders and Financial Regulations of Littlemore Parish Council. Candidates will also be informed that they will be invited to speak about their application at the meeting. Candidates should make every effort to attend this meeting.

Decision-Making Process

The Council shall assess all candidates against a set of transparent and objective **person specifications** adopted within this policy, including

attributes such as teamwork, community commitment, probity, and respect for democratic process.

Where the Council considers that none of the applicants meet these standards, it reserves the right **not to make an appointment** and to re-advertise the vacancy, as permitted by **Local Government Act**.

The selection process shall be conducted in a manner that upholds fairness, transparency, and reasonableness under **public law principles** and **common law duties** of acting in the public interest.

The decision not to co-opt a candidate shall be properly minuted, recording that the reason relates to maintaining public confidence, good governance, or adherence to ethical standards, rather than to any protected characteristic or unlawful discrimination (per the **Equality Act 2010**).

At the Co-option Meeting

At the Co-option meeting the proposer and seconder of each candidate must be present and the proposer shall introduce the candidate.

Each candidate who has applied for the Casual Vacancy will be given up to three minutes maximum to introduce themselves to the Council and explain why they wish to become a Member of Littlemore Parish Council and to answer any questions from Councillors. Where the Council wishes to discuss 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.

As soon as all candidates have finished giving their submissions, the Council will proceed to a vote on the acceptability of each

candidate utilizing the 'person specifications' criteria set out in Appendix A and any personal statements provided by candidates. Each candidate will then be proposed and seconded by Councillors in attendance. A vote by show of hands will be undertaken. Each candidate will then be deemed an eligible candidate ("eligible candidate(s)").

For a candidate to be elected to Littlemore Parish Council to fill the Casual Vacancy, it will be necessary for that person to obtain an absolute majority of votes cast (50% + 1 of the votes available at the meeting). If two or more candidates have applied for the Casual Vacancy, a vote is held to select from the eligible candidates, who have applied for the Casual Vacancy. If there is more than one Casual Vacancy, each separate Casual Vacancy will be considered at a time, until the position is filled. For each Casual Vacancy available for co-option, election takes place by repeated voting rounds in which each current Councillor present at the meeting must vote for one candidate only at a time. If there is more than one Casual Vacancy to be co-opted, the vote for each Casual Vacancy takes place in sequence, i.e., the multiple rounds for a single Casual Vacancy all occur until someone is elected or the majority of Councillors are abstaining, before moving on to trying to fill the next Casual Vacancy.

If there is more than one Casual Vacancy to fill by co-option at the co-option meeting, then the sequence in which the vote on each vacancy will be determined will be, 1. Sandy Lane West 2. Bodley Ward and 3. Littlemore Ward.

Voting is done by each Councillor in person via a show of hands. The votes of the proposer and seconder will be taken as read. They may not abstain nor vote for another candidate in any voting round in which their proposed and seconded candidate is included.

After each round the Parish Clerk shall announce the total of the

votes cast, and if any candidate receives an absolute majority (50% + 1 of the votes available at the meeting including abstentions), that candidate is duly co-opted. Otherwise, the candidate or candidates receiving the least votes (with the Chair breaking any tie) shall be excluded from further rounds of voting for that Casual Vacancy. This process will be repeated until each Casual Vacancy advertised is filled.

Only those candidates who have applied for each subsequent Casual Vacancy advertised, will be considered for the position. If a candidate has applied for more than one Casual Vacancy at a time, and that person has not been elected by co-option at a given meeting, that person will be placed back into the pool of candidates, to be considered for the Casual Vacancy being voted on next. However, if an absolute majority of current Councillors present abstain from a vote, then no further candidates are co-opted, and no further votes are taken. See Appendix D for a working example.

After the voting process for all the candidates being considering for co-option at that meeting has been concluded, the Chair will declare the successful candidate(s) duly elected and after signing their declaration of office, the candidate(s) may take their seat immediately. Note this means that if more than one candidate is co-opted at a given meeting, none of those co-opted take part in others' co-option votes.

The Clerk will notify Electoral Services of the new Councillor appointment. The successful candidate(s) must complete the 'register of interests' within 28 days of being elected. The form should be handed to the Clerk for forwarding to the Monitoring Officer.

If insufficient candidates come forward for co-option, the process should continue, whereby the vacancies are again advertised.

Supporting Legal and Policy Framework

The Council's discretionary decision-making under this policy is supported by the following legal and ethical authorities:

- **Local Government Act 1972, Sections 79, 80, and Schedule 12** — setting out eligibility and voting requirements for co-option.
- **Localism Act 2011, Section 28** — imposing duties on local authorities to promote and maintain high standards of conduct.
- **Principles of Natural Justice and Wednesbury Reasonableness (Associated Provincial Picture Houses v Wednesbury Corporation 1 KB 223)** — requiring decisions to be fair, proportionate, and rational.
- **NALC Legal Topic Notes (LTN 8 and LTN 80)** — advising councils that co-option is a discretionary act to be exercised responsibly to protect democratic integrity.
- **Common Law Duty to Maintain Public Confidence** — supporting councils' ability to act to prevent reputational harm that could impair their lawful functions.

Adopted:

Minute Reference:

Full Council

Review Date:

Annual Meeting.

APPENDIX A - CO-OPTED COUNCILLOR PERSON SPECIFICATION

COMPETENCY	ESSENTIAL	DESIRABLE
Personal Attributes	• Sound knowledge and understanding of local affairs and the local community. • Forward Thinking	• Can bring a new skill, expertise or key local knowledge to the Council.
Experience, Skills, Knowledge and Ability	• Ability to listen constructively. • A good team player • Ability to pick up and run with a variety of projects solid interest in local matters • Ability and commitment to represent the Council and its community • Good interpersonal skills and able to contribute opinions at meetings whilst willing to see others' views and accept majority decisions. • Ability to communicate succinctly and clearly. • Ability and commitment to work closely with other members and to maintain good working relationships with all members and staff. • Ability and commitment to work with the Council's partners (e.g. voluntary groups, other parish councils, principle authority, charities). • Ability and commitment to undertake induction training and other relevant training. • Conduct their personal and professional life in a way which does not risk adversely affecting the Council's standing or reputation.	• Experience of working or being a member in a local authority or other public body. • 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

AVAILABILITY	• Ability and commitment to attend meetings of the Council (or meetings of other local authorities and local bodies) at any time and events in the evening and at weekends.	
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APPENDIX B Application for Co-option to Littlemore Parish Council

PRIVATE AND CONFIDENTIAL

Thank you for your interest in becoming a Parish Council. Please provide the below information to assist the Council in making its decision. **Please complete both forms***.

Full Name & Title	
Home Address	
Home Telephone &/or Mobile No. Email Address	
Declaration	I..... hereby confirm that I am eligible for the vacancy of Littlemore Parish Councillor and the information given on this form is a true and accurate record.
Signature	
Date	

	Signature	Print name	Electoral number	
			Polling District	Elector Number
Proposer				
Seconder				

Please return your completed application to the **Clerk, Littlemore Parish Council, c/o 8 Nicholas Avenue, Old Marston, Oxford OX3 0RN** or by email to clerk@littlemoreparishcouncil.gov.uk by the deadline set in the advertisement. Your application will be considered at the next available Parish Council meeting, where a vote will be held to decide whether the Council agrees to co-opt you on to Littlemore Parish Council.

*General Data Protection Regulations (GDPR): Your data will be held in accordance

with the GDPR. A copy of the Littlemore Parish Council General Privacy Notice can be found on its website at <https://littlemoreparishcouncil.gov.uk/>

PRIVATE AND CONFIDENTIAL

Name:

Which Ward(s) are you applying for?	Bodley Road ☐ Littlemore ☐ Sandy Lane West ☐
About You (Please provide the Council with some background information about yourself.)	
Reasons for applying to be Parish Councillor (please provide the Council your reasons for wanting to become a Parish Councillor.)	

APPENDIX C

Co-option Eligibility Form

PRIVATE AND CONFIDENTIAL

1. In order to be eligible for co-option as a Littlemore Parish Councillor you must be a British subject, or a citizen of the Commonwealth or a citizen of a Country in the European Union with either retained voting and candidacy rights in the UK or the UK has reciprocal voting and candidacy rights with the Country; and on the 'relevant date', i.e., the day on which you are nominated or if there is a by-election the day of the election, 18 years of age or over, and additionally able to meet one of the following qualifications set out below.

Please tick which applies to you:

- a. I am registered as a local government elector for the parish; or
- b. I have, 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. My principle or only place of work during those twelve months has been in the parish; or
- d. I have during the whole of twelve months resided in the parish or within 3 miles of it.

2. 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 agreement with his/her creditors (but see below); or
- c. Has within five years before the day of election, or since his/her election, 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.

DECLARATION

I..... hereby confirm that I am eligible for the vacancy of Littlemore Parish Councillor, and the information given on this form is true and accurate.

I understand that my personal data will be held and used by the Parish Council in accordance with the GDPR.

Signature.....

Date.....