

Agenda Item 7

Co-option of a Councillor:

The Council has received two requests to be co-opted onto the Parish Council for the vacant seat in Central Ward.

The Clerk has taken advice from LALC, and as a result of that advice carried out the following:

Councils use different recruitment methods, including written applications, short presentations, and questions at a meeting. The important thing is to follow the council's adopted policy and standing orders, treat both applicants consistently, and make the final decision through a properly convened council meeting.

Before considering suitability, the clerk (you) should obtain a signed eligibility declaration from each applicant. Applicants must be aged 18 or over, have an eligible nationality, eligible Commonwealth, qualifying EU citizenship or EU citizenship with retained rights and meet at least one of the following local qualifications:

- Be registered as a local government elector for Barrowford parish.
- Have occupied land or premises in the parish as owner or tenant throughout the preceding 12 months.
- Have had their main or only place of work in the parish throughout the preceding 12 months.
- Have lived in the parish, or within three miles of it, throughout the preceding 12 months.

For co-option, eligibility should be checked against the proposed co-option date. Living in Barrowford for 12 months is therefore not compulsory if another qualification is satisfied. The Electoral Commission explains the qualifications and current nationality categories.

Applicants must also not be disqualified. Relevant disqualifications include employment by the parish council, certain bankruptcy restrictions, qualifying prison sentences, electoral offences and certain sexual-offence notification requirements or orders. This is not an exhaustive list; any uncertainty should be checked before appointment. You should also confirm with Pendle Electoral Services that the vacancy can lawfully be filled by co-option.

Being eligible does not automatically entitle an applicant to appointment. My recommendation is to assess both applicants against the same relevant criteria, such as commitment to serving the whole parish, understanding of the role, ability to attend meetings, willingness to undertake training, and ability to work respectfully with others while exercising independent judgement.

Written applications are acceptable. If applicants are invited to speak or answer questions, both should receive the same opportunity, with comparable questions and time limits. There is no single prescribed interview method for parish co-option; openness and consistency are central to a defensible process.

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Co-option should be expressly identified on the agenda and decided at a properly convened, quorate council meeting. Schedule 12, paragraph 10 of the Local Government Act 1972 requires the summons to specify the business to be transacted. Paragraph 39 provides for decisions by a majority of members present and voting. An informal agreement outside the meeting does not itself appoint someone.

The clerk should confirm the nomination and voting procedure under Barrowford's standing orders and policy, including whether a proposer and seconder are required. A candidate must receive the necessary majority; simply receiving the most votes is insufficient if that does not amount to a majority of votes cast. The minutes should accurately record the formal process and result.

Council meetings are normally open to the public. Any exclusion requires a lawful reason and a resolution; co-option should not automatically be treated as private business. Sensitive personal information should be handled appropriately.

Following this advice the Clerk has:

- Created a declaration of eligibility form.
- Checked and received verbal confirmation from Pendle Electoral Services that the Council having previously advertised the vacancy for the prescribed period can co-opt a councillor.

The Clerk suggests that co-option is dealt with at a separate council meeting called for that purpose. All Council members will be summoned to the meeting with quorate rules applying.

Candidates will be individually interviewed prior to the start of the meeting with both candidates being asked the same five or six questions, with a similar time allowed to respond.

At the meeting discussions will take place regarding the suitability of each candidate. These discussions should be kept respectful as this is a meeting open to the public. Following these discussions the candidates must be proposed and seconded by councillors.

If both candidates are proposed and seconded then a straight vote will take place. Be mindful that the winner must have an overall majority of Councillors attending which would include the no vote and abstentions.

In the event of only one being proposed and seconded a vote would be carried out with either yes or no the yes vote must have an overall majority greater than the combined no vote and abstentions.

If the successful Candidate has an overall majority they will be co-opted onto the council as the first item on the next agenda.

If no overall majority is achieved then the vacancy will be re-advertised.

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