

Co-option Procedure Policy Review

Covering note and schedule of changes

To	Full Council
Meeting	7 September 2026
Agenda item	26/113iv
From	Mrs Angie Hurren BEM, Clerk and Responsible Financial Officer
Purpose	To review the Co-option Procedure Policy adopted 7 October 2024 (minute 24/124vi), and to adopt a revised Policy and a separate Councillor Application Form

1. Why the Policy is before Council

1.1 The Co-option Procedure Policy adopted on 7 October 2024 carries a review date of May 2026. The review is therefore due, and this report brings it forward for completion.

1.2 The Council currently has two vacancies and has received good interest. Working through the adopted Policy in preparation for the co-option item has identified a number of provisions which do not operate as intended, and two which cannot be operated at all where the number of applicants substantially exceeds the number of vacancies. Those are set out at section 2 below.

1.3 It is right to be open with members that this review has been prompted in part by the current vacancies. The Council should be satisfied, and should be able to demonstrate, that the changes proposed correct errors and gaps rather than alter the field of eligible applicants or advantage any particular person. In the Clerk's view they do. No change proposed makes any applicant eligible who was not eligible before, or ineligible who was eligible before, and the Clerk has not at any point assessed or ranked the applications. Two changes do affect the mechanics of the vote, and both are identified expressly at paragraphs 2.1 and 2.3 so that members can consider them on their merits.

2. The two provisions that cannot be operated as they stand

2.1 Paragraph 5.8 and paragraph 5.11 contradict one another

Paragraph 5.8 of the adopted Policy gives each councillor one vote per vacancy, with votes taken alphabetically by surname. Paragraph 5.11 reproduces Standing Order 8, under which the candidate with the fewest votes is struck off and a fresh vote taken until a candidate has an absolute majority. That procedure assumes one vote per member and one seat at a time.

The two provisions cannot both be applied. With two vacancies, thirteen members and twelve applicants, paragraph 5.8 would produce twenty-six votes distributed across twelve names, at which point an absolute majority has no coherent meaning and paragraph 5.11 cannot be operated.

The revised Policy resolves this by taking each vacancy as a separate sequence of votes, with one vote per member in each round. This is the change of substance referred to at paragraph 1.3 above, and members may wish to consider it separately from the remainder of the revision.

2.2 Paragraph 5.11 gives no answer where candidates are tied

Paragraph 5.11 refers to striking off “the person having the least number of votes”. Where two or more candidates are tied at the foot of a round there is no such person, and the provision gives no answer. With multiple applicants and up to 13 members voting, several applicants may receive no votes at all in the first round, so this is not a theoretical difficulty.

The revised Policy reads the provision as applying to the person or persons having the least number of votes, so that all those tied at the foot of a round are struck off together. That is a purposive reading of Standing Order 8 rather than a departure from it, and the reasoning is recorded in the Policy itself at paragraph 6.16. Paragraph 6.17 deals with the two remaining edge cases. Appendix B to the revised Policy works the procedure through an illustrative example.

2.3 There is no nomination stage

Paragraph 5.8 of the adopted Policy provides for councillors to vote for individual candidates by show of hands, alphabetically by surname. No applicant is proposed or seconded at any point, so every applicant is put to a vote whether or not any member wishes the Council to consider them.

That is inconsistent with Standing Order 4(b), under which a motion shall not be progressed unless it has been moved and seconded, and with Standing Order 8, which operates by reference to the persons who have been nominated. It is also impractical here: without a nomination stage the Council would put twelve names to a vote for each of two seats.

Section 6 of the revised Policy therefore introduces the required nomination. After all applicants who wish to speak have been heard, the Chairman invites nominations; an applicant becomes a candidate only where a motion that they be co-opted has been moved and seconded. A member may propose or second any number of applicants, and doing so is not a vote for them. Nominations are taken afresh for each vacancy, so an applicant not nominated for the first seat may be nominated for the second, as may an applicant struck off during the voting for it. The names of those nominated and of each proposer and seconder are recorded in the minutes.

Members should note two practical consequences. First, an eligible applicant who is not proposed and seconded does not reach a vote at all, and that will be apparent from the minutes; applicants are told this before they apply. Second, the nomination stage is likely to reduce the field substantially before any round of voting is needed, which should make the October item considerably shorter than it would otherwise be.

This is the second change of substance in the revision, and members may wish to consider it separately, as recommendation 8.2 provides.

3. Appendix A (see Policy)

3.1 The adopted Policy contains at Appendix A a person specification setting out competencies under the headings Essential and Desirable. In recruitment practice an essential criterion is disqualifying. The only lawful bars to holding the office of parish councillor are the statutory qualification and disqualification rules in sections 79, 80 and 81A of the Local Government Act 1972, and the Council cannot make a matter such as “sound knowledge and understanding of local affairs” or “a good team player” a requirement. Paragraph 3.4 of the adopted Policy recognises this in part, by providing that not holding the identified skills should not alone be a reason for not considering an applicant, but that contradicts the word Essential.

3.2 The Circumstances row raises a separate point. A requirement of ability and willingness to attend meetings and events “at any time in the evening and at weekends” is capable of bearing more heavily on

applicants with caring responsibilities, a disability, or a religious observance. The Council exercises this function subject to section 29 of the Equality Act 2010 and to the public sector equality duty at section 149.

3.3 Paragraph 5.5 of the adopted Policy compounds the difficulty by directing members to vote on suitability using the person specification. It also cross-refers to Appendix C, which is the application form; the person specification is at Appendix A.

3.4 Appendix A has therefore been retained but recast as a description of what the role involves, with the Essential and Desirable columns removed, the time commitment described factually rather than as a requirement, and an express statement at the head of the Appendix that it is not a set of criteria and that applicants are not scored or graded. Paragraph 5.5 of the revised Policy records that the Council does not use a scoring matrix, weighted criteria or a person specification, and explains why: co-option is an election by members, each of whom exercises an individual discretion that cannot be fettered by a scheme of marking adopted in advance.

4. Confidentiality

4.1 Paragraph 4.7 of the adopted Policy requires applications to be treated by the Clerk and all councillors as strictly private and confidential. That cannot be maintained. It sits against paragraph 5.1, under which the same applicants present in public session, and it is not a status the Council can confer on information it holds. Applications are recorded information for the purposes of the Freedom of Information Act 2000.

4.2 The revised Policy instead requires members to use applications only for the purpose of the decision and not to circulate them further, states that the Council will not publish applications in full and will withhold personal data so far as the Act permits, and states that the Council will not give applicants an assurance of confidentiality that it cannot honour. Applicants are told the position before they apply.

5. Other corrections

The table below lists the remaining changes. Paragraph references in the left-hand column are to the Policy adopted 7 October 2024.

2024	New	Change	Reason
1.3	2.6	The six month test restated as whether the vacancy occurs within six months before the day the councillor would regularly have retired.	The adopted wording states the test as whether the vacancy has six or more months to run, which is not the test in rule 5(6) of the 2006 Rules.
1.5, 5.12	6.13	The commitment to re-run co-option “on alternate months” removed; the vacancy instead remains on the agenda until filled.	A two-monthly cycle is slower than the duty in rule 5(5) to co-opt as soon as practicable requires, and is an unnecessary constraint.
2.2	2.2	Public notice of the vacancy identified as the Council's duty.	The duty to give public notice is the Council's under section 87(2) of the Local Government Act 1972. The adopted Policy attributes it to the District Council.

2024	New	Change	Reason
2.3	2.3	The fourteen day period stated as computed in accordance with rule 2 of the elections rules in Schedule 2 to the 2006 Rules.	The period is not fourteen calendar days.
2.4	2.7 to 2.10	Co-option following an insufficiency of candidates at an ordinary election rewritten: the automatic election of those validly nominated, the quorum precondition, the position where the Council is inquorate, and the computation of the thirty-five day period.	The adopted Policy omits the quorum precondition, without which the power to co-opt does not arise, and describes thirty-five working days rather than the statutory computation.
3.5, 5.13	1.6	References to candidates being “excluded” or “disqualified” for offering inducements replaced by a statement that the Council will not co-opt them.	The Council has no power to disqualify a person from office; disqualification is a matter of statute.
5.8	6.4 to 6.9	A nomination stage added: an applicant becomes a candidate only where a motion that they be co-opted has been moved and seconded.	The adopted Policy has no nomination stage, which is inconsistent with Standing Order 4(b) and with the reference in Standing Order 8 to persons nominated. Addressed at paragraph 2.3 above.
5.2	5.2	Speaking time reduced from five minutes to three, with a power to reduce it further provided it is applied equally.	Multiple applicants at five minutes each is a considerable time before questions or voting. The equal application requirement is retained.
5.4	9.1 to 9.3	Conflicts of interest rewritten to separate the Code of Conduct position, the dispensation route under section 33 of the Localism Act 2011, and the separate common law question of apparent bias.	The adopted wording treats a dispensation as the answer in all cases. A dispensation does not cure apparent bias, and a relationship with an applicant will not usually be a disclosable pecuniary interest.
5.6	6.11	The Chairman “may” rather than “uses” the casting vote.	Paragraph 39(2) of Schedule 12 confers an entitlement, not a duty.
5.7	6.2	The preliminary vote retained but reframed as a motion that the Council proceed to co-opt, with a note that the Council is under a duty to co-opt as soon as practicable.	A preliminary vote framed as whether the Council wishes to proceed invites a resolution not to co-opt at all, which sits uneasily with the duty.

2024	New	Change	Reason
5.10	6.1	An absolute majority defined as a majority of the members present and voting.	The adopted wording defines it by reference to members present, then gives a worked example using members voting. The statutory rule at paragraph 39(1) of Schedule 12 is present and voting.
6.1, 6.2	7.1	The declaration of acceptance of office to be signed at the meeting, before the member takes their seat.	The adopted paragraphs conflict: a member cannot become a councillor with immediate effect while signing the declaration at a later meeting. Section 83(1) prevents a person acting in the office before the declaration is made.
App. B	Form s.2	Citizens of the Republic of Ireland added; "Commonwealth citizen" corrected to "qualifying Commonwealth citizen".	Citizens of the Republic of Ireland are eligible under section 79(1) and were omitted.
App. B	Form s.2	The relevant date corrected from the day of nomination or poll to the day of co-option.	There is no nomination or poll in a co-option.
App. B	Form s.3	Debt relief restrictions orders and interim orders added.	Both are within section 80(1)(b) and were omitted.
App. B	Form s.3	All eligibility and disqualification statements recast so that a tick confirms the applicant is eligible.	In the adopted form the two blocks run in opposite polarity, so an applicant working down the page answering Yes produces a form reading as a declaration of disqualification.
App. B	Form s.9	"Declaration of Consent" removed and the lawful basis stated as Article 6(1)(e) UK GDPR.	Processing is a public task, not consent. Describing it as consent implies a right to withdraw that does not exist.
App. B, C	Form	Appendices B and C consolidated into one application form.	Two documents create a risk that an applicant returns one without the other.
App. C q.6	Form s.5	The 1-to-5 ranking across ten operational areas replaced by a tick-box section expressly stated not to be scored.	Ten items cannot be ranked on a five point scale, and the ranking fed the person specification approach addressed at section 3 above.
App. C q.5	Form s.6	Retained.	Inviting applicants to raise questions before the meeting is good practice and has been carried across unchanged.

6. Additions

6.1 The revised Policy adds provisions the adopted Policy did not contain: a definition of the Clerk's role, confined to an objective eligibility check with no assessment of merit and a report to Council of name and determination only (paragraphs 4.6 to 4.8); an equality and reasonable adjustments provision (section 8); a data protection, transparency and records section including a defined retention period and what the

minutes will record (section 10); a complaints provision noting that the Local Government and Social Care Ombudsman has no jurisdiction over parish councils (section 11); and a provision allowing co-option to be deferred where there is a proper reason, with the reasons to be minuted (paragraph 2.12).

6.2 A Clerk's Eligibility Check Proforma has been prepared as a working record. It is not part of the Policy and does not require adoption, but it is referred to at paragraph 4.7 and is available to members on request.

7. The current vacancies

7.1 It is mooted that Co-option will be considered at the meeting on 5th October 2026. The Clerk will write to all who have expressed an interest in the last six months confirming the date, enclosing the supplementary declaration and the revised Policy, and setting out how the decision will be taken, including the nomination requirement and the fact that nominations and the number of votes cast for each candidate in each round are recorded in the published minutes.

8. Recommendations

That Full Council:

8.1 Notes that the Co-option Procedure Policy adopted 7 October 2024 (minute 24/124vi) carried a review date of May 2026, and that this report completes that review.

8.2 Notes in particular the two changes of substance identified at paragraphs 2.1 and 2.3 of this report, namely that each vacancy is filled by a separate sequence of votes with one vote per member in each round, replacing the one vote per vacancy provision at paragraph 5.8 of the adopted Policy; and that an applicant becomes a candidate for a vacancy only where a nomination has been moved and seconded.

8.3 Adopts the revised Co-option Procedure Policy in substitution for the Policy adopted 7 October 2024.

8.4 Adopts the Councillor Application Form in substitution for Appendices B and C of the Policy adopted 7 October 2024.

8.5 Notes that co-option to the two current vacancies will be considered at the meeting on 5th October 2026.

8.6 Notes that the Clerk will write to all who have expressed an interest in the terms described at paragraph 7.3.