

GOOD PRACTICE FOR SELECTION OF CANDIDATES BEING CO-OPTED TO A LOCAL COUNCIL.

Introduction

Legal Topic Note 8, “Elections” sets out the circumstances in which a parish and community council (“a local council”) may exercise the power to co-opt a person on to the council.

When a casual vacancy of an office in a local council arises, the council must give public notice of the vacancy. A local council is not required by law to give public notice of vacancies in offices of the council arising from an insufficient number of candidates at ordinary election.

NALC recommends that local councils always give public notice of vacancies because this makes the process of co-option open and transparent and should attract more potential candidates.

Eligibility for co-option

Following public notice of any vacancies, a local council may co-opt on to their council any person provided that person is qualified to be a councillor pursuant to s. 79 Local Government Act 1972 (“the 1972 Act”) and is not disqualified pursuant to s.80 of the 1972 Act.

Please see [Legal Topic Note 8](#) (paras 44, 7 – 13) entitled “Elections” for full commentary in respect of sections 79 and 80 of the 1972 Act.

A local council should be satisfied by its own investigation or, if this is not possible, by evidence provided by the proposed candidate that:-

- A person meets the criteria for eligibility to be a member of the council (criteria is set out in s.79 of the 1972 Act).

and

- A person is not disqualified to be a member of the council (criteria is set out in s.80 of the 1972 Act).

Suitability for co-option

Once a local council is satisfied that a candidate is eligible to be co-opted onto a council, NALC recommends that a local council should employ a fair and transparent process to assess the suitability of a proposed candidate who wishes to be co-opted. A local council should assess if a proposed candidate has the skills expected and or has any additional expertise or areas of interest which will assist the council exercise their various functions.

As is analogous with the recruitment processes for a prospective employee of the council, the council may therefore want to devise a person specification for issue to all the candidates who wish to be co-opted. The person specification should be reviewed and amended by the local council as and when a particular vacancy in an office arises. An **example** of a person specification would be as follows:

Name of Local Council: _____		
Description of Office: _____		
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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 to be specified (this may or may not be applicable). 	<ul style="list-style-type: none"> ▪ A levels/Degree level and or ▪ Vocation or professional qualification (e.g. accountant, teacher, policeman) 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 succinctly and clearly both orally and in writing. ▪ 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"> ▪ 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. ▪ Good standard of computer literacy. ▪ Experience of delivering presentations. ▪ Experience of working with the media. ▪ Experience in financial control/ budgeting. ▪ HR experience.
Circumstances	<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 and committed to the Council ▪ Enthusiastic. 	

This briefing was issued by Meera Tharmarajah, Head of Legal Services