

**Prior to any person being co-opted the Proper Officer of the Council must confirm that the person complies with the criteria and furnish them with a copy of the current Standing Orders and Code of Conduct information. This is required prior to signing their Declaration of Acceptance of Office. Therefore, no person shall be co-opted at a Meeting of the Parish Council without prior written contact being made with the Proper Officer.**

### **Eligibility for co-option**

A person is eligible to be co-opted provided they are qualified to be a councillor (see section 79 of the 1972 Act) and is not disqualified by section 80 of the 1972 Act. The Electoral Commission has produced guidance for parish councils in England on qualifications for standing for election and disqualifications from standing for election, including a candidate guide.

Candidates standing in local council elections must submit to the Returning Officer a form (prescribed by Part 7 of paragraph 1 to Schedule 2 of the 2006 Rules) which (a) confirms their consent to nomination and (b) includes a declaration that they meet the aforementioned statutory qualifications to stand for election.

Candidates who wish to be co-opted onto a local council are not subject to such requirements. To ensure that councils consider for co-option only those candidates who are eligible to be councillors, NALC recommends that councils require candidate(s) for co-option to declare or certify in writing that they meet the criteria for eligibility set out in section 79 of the 1972 Act and are not disqualified under the 1972 Act. A council may need to investigate or obtain evidence about a candidate's eligibility to be a councillor if this is challenged.

A local council may wish to indicate that people with specific skills and expertise (e.g. accountancy, HR, Planning) are particularly welcome to apply. This should not be part of the formal notice, and it must be clear that people without those skills are still eligible to apply. In cases where there are more candidates than vacancies, a council will need to fairly consider who to co-opt and such skills and expertise may be taken into account according to a council's particular needs.

Where the number of candidates is less than or equal to the number of vacancies, the candidates shall be appointed to the council if they meet the section 79 eligibility criteria and they are not disqualified.

### **Decision making**

Decisions made by a local council about whether or not to co-opt when vacancies remain unfilled after an ordinary election and who to co-opt when any casual vacancy arises should be transparent. In NALC's view, it would be difficult for a local council to argue that there are special reasons that justify excluding the public during a council meeting when it is making decisions about a matter of public interest, such as co-option.

Decisions about co-option, which are made at council meetings when the public has been excluded, will not eliminate the need for a council to explain, for example, to unsuccessful candidates, the reasons for its decisions.

### **Registration of interests**

Within 28 days of becoming a councillor in England, a person must notify the Monitoring Officer of any disclosable pecuniary interests as defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012/1464. The definitions of disclosable pecuniary interests are given in Legal Briefing L10-12. In England, the code of conduct adopted by a council under section 27(2) of the Localism Act 2011 Act may require a councillor to give notification of interests which are not disclosable pecuniary interests within 28 days of their election to office. Upon re-election or re-appointment, a councillor in England must also, within 28 days, notify the Monitoring Officer of disclosable pecuniary interests not already included in their register of interests. Further guidance is given in Legal Topic Note 80 (Members' conduct and the registration and disclosure of their interests (England)). In Wales, within 28 days of becoming a councillor, a person must notify the Proper Officer of the personal interests set out in paragraph 10(2)(a) of the schedule to Local Authorities (Model Code of Conduct) (Wales) Order 2008/788 as amended by the Local Authorities (Model Code of Conduct) (Wales) (Amendment) Order 2016/84 and any other financial interests required by their council's code of conduct.