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# COUNCILLOR RECRUITMENT POLICY

## **Introduction**

This Policy provides written guidance when dealing with Casual Vacancies between ordinary elections or those arising from an insufficient number of candidates at an ordinary election.

When a Casual Vacancy of an office for the Council arises, the Council must give public notice of the vacancy. A 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, however, 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.

## **Process**

For a Casual Vacancy, as soon as the Vacancy occurs, the Clerk will notify Shropshire Council's Elections Team with a Casual Vacancy Notice. This notice will be published on Shropshire Council's website and should also be published locally. Once the statutory period of the Casual Vacancy Notice has expired, Shropshire Council will write to the Clerk and notify whether an election is to be held or that the Town Council can co-opt an eligible\* person to the Council as soon as practicable.

The Town Council will then advertise the vacancy locally - notice boards, website, social media etc using our Council template – inviting prospective candidates to apply in writing (letter or email) to the Town Clerk to express their interest in the vacancy.

## **Eligibility for co-option**

A person may be co-opted on the Town Council 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.

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).

## **Qualifications (S.79 Local Government Act)**

To be able to stand as a candidate for co-option onto the Town Council you must:

- be at least 18 years old
- be a British citizen, an eligible Commonwealth citizen or a citizen of any member state of the European Union, and meet at least one of the following four qualifications:
  - a. You are, and will continue to be, registered as a local government elector for the parish in which you wish to stand from the day of your nomination onwards.
  - b. You have occupied as owner or tenant any land or other premises in the parish area during the whole of the 12 months before the day of your nomination and the day of co-option.
  - c. Your main or only place of work during the 12 months prior to the day of your nomination and the day of co-option has been in the parish area.
  - d. You have lived in the parish area or within three miles of it during the whole of the 12 months before the day of your nomination and the day of co-option.



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### **Disqualifications (S.80 Local Government Act)**

Apart from meeting the qualifications for standing for co-option, you must also not be disqualified.

There are certain people who are disqualified from being elected to a parish council. You cannot be a candidate if at the time of your nomination and on voting day:

- a. You are employed by the Town Council or hold a paid office under the Town Council.
- b. You are the subject of a bankruptcy restrictions order or interim order.
- c. You have been sentenced to a term of imprisonment of three months or more (including a suspended sentence), without the option of a fine, during the five years before polling day and the ordinary period allowed for making an appeal or applications in respect of the conviction has passed.

A person who is in the process of making an appeal or application in relation to the conviction is not disqualified at any time before the end of the day on which the appeal or application is disposed of, abandoned or fails by reason of non-prosecution. The full range of disqualifications is complex and if you are in any doubt about whether you are disqualified, you must do everything you can to check that you are not disqualified before submitting your nomination papers.

- d. You have been disqualified under the Representation of the People Act 1983 (which covers corrupt or illegal electoral practices). The disqualification for an illegal practice begins from the date the person has been reported guilty by an election court or convicted and lasts for three years. The disqualification for a corrupt practice begins from the date a person has been reported guilty by an election court or convicted and lasts for five years, unless at any time within that period a court determines that the conviction should not be upheld, in which case the disqualification ends at that time.

- e. You are subject to the notification requirement of or under Part 2 of the Sexual Offences Act 2003, and the ordinary period allowed for making an appeal or application in respect of the order or notification has passed. A disqualification set under s.81A of the Local Government Act 1972 will only apply to a person who is subject to any relevant notification requirements or relevant order made on or after 28 June 2022. A person who is in the process of making an appeal or application in relation to the disqualification is not disqualified at any time before the end of the day on which the appeal or application is disposed of, abandoned or fails by reason of non-prosecution.

A person may also be disqualified from being or becoming a member of certain authorities following a conviction under the Localism Act 2011.

Full details on Eligibility is available from the Electoral Commission as these qualifications also apply for elections.

### **Selection of candidates**

To ensure a fair and transparent process to assess the suitability of a proposed candidate who wishes to be co-opted, the Council will 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.

Letters from applicants will be circulated to all existing council members and candidates will be assessed against the person specification within the Vacancy notice and invited to meet Council members for a discussion to ascertain the level of interest and suitability for the role.

Suitable candidates will be invited to the next available Council meeting (as a member of public) and introduce themselves. The Council Agenda will have an item 'Co-option of new councillor(s)'. As per Standing Orders the candidate(s) will be proposed, seconded and the voted upon. Successful candidates will immediately be invited to sign their Declaration of Acceptance of Office and join the Council meeting.

The Clerk will notify Legal and Democratic Services of the co-opted person(s) and submit the Disclosable Pecuniary Interests and Ordinary Registerable Interests Forms\* to the Monitoring Officer at Shropshire Council.



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### **New Councillor Welcome Packs**

New councillors will be issued with a 'New Councillor Welcome Pack' which will include:

Introduction to your Council booklet

Disclosable Pecuniary Interests Form and Ordinary Registerable Interest Form\* (to be completed and returned to Town Clerk within two weeks)

Code of Conduct, Code of Conduct Checklist

Standing Orders and Financial Regulations

Current year's Budget

Current year's Meeting Dates

Current year's Councillor Roles, Appointments to Committees, External Bodies

Training Courses available.

### **Review**

The effectiveness of this policy and associated arrangements will be reviewed every four years unless changes in legislation or proper practices require an earlier review.

*Policy Review Date: August 2027*