

# Co-option Policy and Procedure

## 1. Introduction

The Co-option process occurs when a casual vacancy on the Parish Council arises and no election has been requested by electors under the Local Government Act 1972, Section 87(2). In such cases, the Parish Council is permitted to fill the vacancy by co-option.

This procedure sets out the steps the Council will follow to ensure a fair, open, and transparent process.

There are two types of vacancies:

### **Casual**

This occurs during the four year term when a Councillor resigns, dies or becomes disqualified.

S87(2) of the Local Government Act 1972 requires a local authority (Parish Council) to give public notice of casual vacancies to ensure transparency and attract more candidates.

The process of giving ten electors the opportunity to call a by-election is only relevant for casual vacancies, not ordinary vacancies.

### **Ordinary**

This occurs as a result of insufficient nominations for the seats available at the time of election. Any such vacancy/vacancies should be advertised within 35 days of the election or later if still unfilled.

In these circumstances a person can be co-opted to fill a vacancy/vacancies at the discretion of the local authority (Parish Council).

The eligibility and disqualification criteria required of an applicant for either an ordinary or casual vacancy are the same in accordance with S79 and disqualification criteria Ss.80-81 of the Local Government Act 1972.

### **The Co-option Process for Ordinary and Casual Vacancies**

(For casual vacancies this process will apply when a by-election has been advertised but not claimed)

There are no statutory arrangements in place to co-opt to fill a vacancy and therefore the Parish Council has decided to adopt the following process in order to be fully transparent and ensure all applicants can be considered which meet statutory eligibility criteria and able to offer suitable skills, knowledge, experience and motivation to fulfil the role of Parish Councillor.

Where a vacancy/vacancies occur the following will apply:

1. The vacancy/vacancies notice will be advertised as follows:
  - i. On the Parish Council notice board.
  - ii. On the Parish Council website.
  - iii. On Parish Council facebook page or similar social media (where available).
2. The notice will have a closing date of 21 days for receiving applications.
3. If no applications are received the notice will be advertised again with a new 21 days closing date.
4. This will continue until such time as an application/applications are received.
5. When an application/applications are received by the closing date the following will apply:
  - i. Each applicant will be provided with a copy of this Standing Order procedure.
  - ii. Each applicant will be invited to complete a Legal Declaration of Qualification to hold Public Office as a Local Councillor (as shown in Appendix B).
  - iii. Each applicant will be invited to ~~provide a "CV" to include the reasons for interest in being a Parish Councillor and what attributes they have to offer for the benefit of the community. Appendix A template can be provided by the Parish Clerk to assist with this~~ complete an application form.
6. If items (ii) and (iii) are not completed by an applicant then they will not be considered for the vacancy/vacancies.
7. The Parish Clerk will circulate details of the application/applications to all the other Councillors prior to the next Parish Council meeting. These are strictly private and confidential and should be handled carefully at all times.
8. There will be a separate item on the Parish Council meeting Agenda to deal with the application/application(s) for Co-options.
- ~~9. Each applicant will be invited to attend the Parish Council meeting to present themselves to the Parish Council and to allow the Councillors present to ask them questions in the open meeting. At the meeting, candidates will be given five minutes maximum to introduce themselves to Members, give information on their background and experience and explain why they wish to become a councillor. The Chair may invite each candidate to speak in accordance with Standing Orders. The Chair may allow councillors to ask questions of each candidate.~~
- ~~9-10.~~
- ~~10-11.~~ If an applicant does not present themselves to the Parish Council meeting and they cannot provide a valid reason for not attending then they will not be considered for the vacancy/vacancies at that meeting.
- ~~11-12.~~ If thought necessary the Parish Council will resolve to exclude members of the press and public including the candidates under the Local Government Act Schedule 12A and the Public Bodies (Admissions to Meetings) Act 1960 to enable it to discuss the merits or otherwise of the applicants.
13. The Parish Council meeting will then re-convene as an open meeting and a vote will take place for applicant(s) for each vacant seat so the successful candidate must have a majority to be elected.

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14. If the council does not wish to discuss the merits of candidates privately (as outlined in the previous paragraph, the council will proceed to a vote on the acceptability of each candidate)

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15. Each applicant must have a proposer and a seconder.

16. Voting will be by show of hands or by signed ballot

12-17. An absolute majority vote is required for each candidate from all members present and entitled to vote. If there are more than two candidates for one vacancy and no one of them at the first count receives a majority, the candidate with the least number of votes will be eliminated and the remainder must be put to the vote again until an absolute majority is obtained (LGA 1972 Sch. 12. Para 39). One person will be chosen for each vacancy. No proxy votes are allowed. The Chair may exercise their casting vote if there is an equality of votes (see voting method example in Appendix C).

13-18. The Chairman will declare the result.

14-19. The result will be recorded in the Minutes of the Parish Council meeting.

15-20. The Parish Clerk will notify all Parish Council Councillors of the voting count and the result of the selection process as soon as possible afterwards.

16-21. No feedback will be given to any applicant in respect of the Parish Council discussions that took place in the closed part of the meeting unless agreed by the Parish Council.

17. The successful applicant/applicants will be provided with access to council documents the following:

- ~~i. A copy of the Parish Council's Standing Orders.~~
- ~~ii. A copy of the Parish Council's Financial Regulations.~~
- ~~iii. A copy of the Parish Council's Code of Conduct.~~
- ~~iv-22. A copy of the Good Councillors Guide.~~

18-23. The successful applicant/applicants will comply with the following:


- i. To sign a Declaration of Acceptance of office form. The successful candidate becomes a councillor immediately after signing the Declaration of Acceptance of Office
- ii. To complete a Declaration of Interests form and submit this to the Parish Clerk who will submit it to the Monitoring Officer at East Lindsey District Council within 28 days.

19-24. The successful applicant/applicants will be encouraged to undertake training courses paid for by the Parish Council and provided by Lincolnshire Association of Local Councils (LALC).

20-25. If for any reason an applicant/applicants are not selected then the vacancy/vacancies will be re-advertised in accordance with this procedure.

Appendix A – Co-option Application Form

[Add link to Online Application Form:](#)



<b>Application for Co-option</b>	
<b>Full name and title</b>	
<b>About you</b>	<i>In the box below tell us a little about your background, skills and experience that might be useful if you join the parish council.</i>

<b>Reasons for applying</b>	<i>Please explain here your reasons why you want to be a member of the Town/ Parish Council</i>
<b>Signature</b>	
<b>Date</b>	

Return this form to the Parish Clerk once you have completed it.

XXXXXXXX Clerk's Email address XXXXXXXXXXXXXXXX

### Appendix B – Eligibility and Disqualification Criteria

**Include on online form**

<b>Eligibility to be a Parish Councillor</b>	
<b>Full name and Title</b>	
Home address	
Home telephone	
Mobile telephone	
Email address	
It is a condition of being a Parish Councillor that your name will be made public via notice boards and the parish council website. You may need to disclose your phone and email address to deal with parish council matters. Do you agree to this? <span style="float: right;">Yes / No</span>	
Are you a British, Commonwealth or other European Union Citizen and not require leave to enter or remain in the United Kingdom or have indefinite leave to remain? <span style="float: right;">Yes / No</span>	

Are you aged over 18?	Yes / No
<i>To qualify you must be able to answer 'Yes' to at least one of the questions below</i>	
a) Are you on the electoral register for XXXXXXXXX Parish/ Town Council?	Yes / No
b) Have you lived either in parish of XXXXXXXXXX or within 3 miles of its boundary, for at least a year?	Yes / No
c) Have you been the owner or tenant of land in XXXXXXXXXX parish for at least a year?	Yes / No
d) Have you had your only or main place of work in parish of XXXXXXXXXX for at least a year?	Yes / No
<i>You must be able to answer 'No' to all the questions below to be eligible to serve as a councillor.</i>	
i) Are you the subject of a bankruptcy restrictions order or interim order?	Yes / No
ii) Have you within the last five years been convicted of an offence in the UK, the Channel Islands or Isle of Man and has been sentenced (whether suspended or not) to imprisonment for three months or more without the option of a fine?	Yes / No
iii) Are you disqualified by order of a court from being a member of a local authority?	Yes / No
iv) Employed by XXXXXXXXXX Parish Council, a joint committee or holds a paid office?	Yes / No
v) Subject to the notification requirements of the Sexual Offences act 2003 or Sexual Risk Orders?	Yes / No
<b>Signature</b>	
<b>Date</b>	

When completed return this form to the Clerk to XXXXXXXXXX Parish /Town Council.

XXXXXXXXX Clerk's Email address XXXXXXXXXXXXX

**Appendix C – Voting Method example**

EXAMPLE OF VOTING PROCESS

16 councillors voting

Name:	Round 1 No of Votes	Round 2	Round 3
<del>Candidate 1</del>	<del>7</del>	<del>7</del>	<del>10</del>
<del>Candidate 2</del>	<del>3</del>	<del>5</del>	<del>3</del>
<del>Candidate 3</del>	<del>2</del>	<del>2</del>	<del>2</del>
<del>Candidate 4</del>	<del>2</del>	<del>1</del>	<del>1</del>
<del>Candidate 5</del>	<del>1</del>	<del>1</del>	eliminated
<del>Candidate 6</del>	<del>0</del>	eliminated	eliminated
	Candidate	Chair has casting	Candidate 1

6 eliminated

vote between 4 & 5

gets the seat  
because 10

Chooses 4 so 5  
is eliminated

votes  
is more than the  
sum of other 3

Of course, 1 candidate may get a majority i.e. 9 or more in round 1

Based on LALC Co-option Policy and Procedure - Template 1