

# Co-option Policy

## 1. Background

The process for co-option is only partially prescribed in law but there is best practice advice and guidelines around certain aspects of the process. Items marked in bold are prescribed in law.

## 2. Scope and purpose

This policy aims to explain the procedure regarding co-option. The information contained in it is to be used by members of the council and members of the public. The aim of the policy is also to show that the council endeavours to treat all applicants fairly and alike, and to ensure that the process is also seen as fair, open and transparent. This policy details the processes to be followed regarding co-option.

## 3. When a vacancy arises

**A co-option vacancy arises when a member of the Council leaves, and the position is formally advertised for 14 days. At the end of this 14-day period if insufficient names have submitted a request to the District / Borough Council to call for an election (this is 10 names) then the Council can fill the vacancy by co-option.** (Refer Local Government Act 1972 s86 and 87(2)(b))

### 3.1 Applications

We aim to encourage applications from anyone in the parish who is eligible to stand. Councillors or parishioners can approach individuals to suggest that they might wish to consider putting their names forward for co-option. Co-option vacancies will be advertised on the website and on the noticeboards and in media releases. The advertisement for the co-option will include:

- a) Method by which applications can be made, this will be in writing to the Clerk
- b) The closing date for applications
- c) Contact point for potential candidates to obtain more information – the Clerk
- d) Advice that further information is available electronically via the website – a form to complete which includes a maximum of 100 words asking the candidate why they would like to be a councillor; name; address and other contact details.

When applications are received, the Clerk will confirm eligibility. Any candidate found to be offering inducements will be disqualified.

### 3.2 Attendance following an application

All eligible candidates shall be invited by letter, to attend the next council meeting following the application deadline. They will be asked to confirm their attendance at the meeting. In the event of candidates being unable to attend, this meeting will not be rearranged. All members receive copies of applications ahead of the meeting.

Applications are to be treated as confidential. A candidate, on confirming that they will attend the meeting will be sent a copy of the agenda and agenda papers.

#### **4. Commitment**

The council is keen that potential candidates understand the commitment which is required from councillors. Anyone interested in standing will be encouraged to look at the website for more information on the role of being a councillor and will receive an information sheet on the work of the council. Candidates will also be told that they are expected to attend an Induction training event which may be held externally or in the parish.

#### **5. The process of Co-option at the Council meeting**

There is an early agenda item at which each candidate will be asked to make a brief verbal presentation on why they would like to be a councillor and the skills they can offer the council (3 minutes maximum per candidate). All of this, including the voting for the candidate will be in public. Candidates may be asked questions by members. In the event of a candidate being unable to attend, his / her application will still be considered by members. In the event of a candidate being related to a councillor, then the councillor would be expected to declare an interest and request a dispensation to speak and vote.

#### **6. Voting**

Any motion to co-opt must have a proposer and seconder for each candidate. Only councillors present at the meeting may propose, second and vote. There will be one vote per vacancy to be filled (Chairman may have a casting vote). **The successful candidate must receive an absolute majority of those present and voting** (Local Government Act 1972 Sch 12). If there are more than two candidates for one vacancy and no one of them at the first count receives a majority over the aggregate votes given to the rest, steps must be taken to strike off the candidate with the least number of votes and the remainder must then be put to the vote again. The process is to be repeated until an absolute majority is obtained.

#### **7. Any previous election**

The council does not consider claims of candidates who were unsuccessful at previous elections.

#### **8. Starting as a councillor**

The successful candidate(s) are asked to start as a councillor immediately after completing their declarations of acceptance of office. **The fact that the new member has not received a summons does not make his / her attendance as a councillor illegal** (Local Government Act 1972 Sch 12, para 10(3)). Where appropriate they will also be appointed to any council committee. If an absent candidate is successful, members must agree to him / her signing the declaration of acceptance of office before or at the very start of the next meeting. New councillors will also be made aware of the fact that Interests Forms will need to be completed within 28 days of co-option.

## **9. Filling a Co-option vacancy**

The council must fill co-option vacancies as soon as practicably possible.

Adopted: August 2024

Next Review: August 2027

# **Application Form for The Role of Parish Councillor with Fleggburgh Parish Council**

Full name: .....

Home address .....

.....

.....

Postcode .....

Telephone Number .....

Mobile Number .....

Email Address .....

## **Legal Qualifications for Being a Parish Councillor**

Please tick the appropriate criteria that you are claiming from the list below. If applicable you can claim as many of these criteria as possible.

Section 79 (1) of the Local Government Act 1972 (the 1972 Act) provides, unless disqualified (see below) a person is qualified to be elected and to be a Councillor if he is a qualifying Commonwealth citizen or an EU citizen and on the day on which they are co-opted they are 18 years of age or over and:

- ☐ On that day they are and thereafter they continue to be a local government elector for the area of the authority; or
- ☐ They have during the whole of the 12 months preceding that day occupied as owner or tenant any land or premises in that area; or
- ☐ Their principal or only place of work during that 12 months has been in that area; or
- ☐ They have during the whole of those 12 months resided in that area; or
- ☐ in the case of a member of a parish or community council they have during the whole of those 12 months resided either in the parish or community or within three miles of it.

A person is a qualified Commonwealth citizen if they are a Commonwealth citizen who either-

- is not a person who requires leave under the Immigration Act 1971(the 1971 Act) to enter and remain in the United Kingdom, or

- is such a person but for the time being has (or is, by virtue of any enactment, to be treated as having) indefinite leave to remain within the meaning of the 1971 Act.

A person is not a qualifying Commonwealth citizen if they do not require leave to enter or remain in the United Kingdom by virtue only of section 9 of the 1971 Act (exceptions to requirement for leave in special cases)

With reference to c) above, a person is qualified for re-election under paragraph c) if they are already a Councillor.

### **Disqualifications for holding office as a Councillor.**

In accordance with section 80 of the 1972 Act, a person is disqualified from being elected (coopted) or being a Councillor if they:

- a) hold any paid office or employment (other than the office of Chair, Vice Chair or Deputy Chair) to which they have been appointed by the council or any committee or subcommittee of the council, or by a paid officer of the council, or by any joint committee on which the council is represented; or
- b) is the subject of a bankruptcy restrictions order, an interim bankruptcy restrictions order, a debt relief restrictions order or an interim debt relief restrictions order under schedule 4ZB of the Insolvency Act 1986; or
- c) has within five years before the day of election or since their election been convicted of any offence and sentenced to a term of imprisonment of at least three months (whether suspended or not) without the option of a fine; or
- d) has been found guilty of corrupt or illegal practices, or was responsible for incurring unlawful expenditure and the court orders their disqualification.

In relation to a) above, when dealing with an office of profit, it is irrelevant that no profit was actually received.

I hereby declare that I meet the criteria ringed above to hold office as a Councillor and that having considered the above disqualification criteria, I am not disqualified from holding office of a Councillor.

Signed..... Date: .....

Please complete the table on the next page, which is the information which will be shared with Councillors. The information on this page is for Officers only.

## Expression of Interest form for Parish Council Casual Vacancy

Note: during discussion at the meeting, the name of the candidate must not be discussed. The name is given for Councillors' information only. This form will be issued to all Councillors as part of meeting papers, to assist with their decision making on co-option.

Name: .....

I am seeking Co-option to Fleggburgh Parish Council

**Please briefly outline of why you are interested in being a Parish Councillor.  
Please use additional paper as necessary.**

**Please tell us something about the life experience you will bring to the Council, for example, previous local government experience, work in the voluntary or charitable sector, business experience and so on.**

**Please tell us something about the skills you feel you will bring to the Council, for example, professional qualifications, financial, event or project management expertise.**

**Are there any questions you would like to ask the council?**

Signed..... Date: .....

Forms to be returned the Parish Clerk: [fleggburghpc@gmail.com](mailto:fleggburghpc@gmail.com)