

Adopted: June 2023

## 1. Introduction

### **What is co-option?**

**Co-option is a process by which a vacant seat on a parish or town council is filled by appointment rather than an election. It is often necessary to ensure a council is fully constituted and able to carry out its duties.**

**Vacancies can arise for various reasons such as insufficient candidates at an election, resignations and disqualifications. Vacancies which occur due to a councillor's departure mid-term are called casual vacancies.**

**This policy sets out the procedures for the co-option of Councillors.**

## 2. Casual vacancies

The Local Government Act 1972, s86 states a casual vacancy occurs under the following circumstances:

- Councillor fails to make their Declaration of Acceptance of Office at the proper time;
- Councillor resigns;
- Councillor dies;
- Councillor becomes disqualified;
- Councillor fails for six months to attend meetings of a council committee or sub-committee or to attend as a representative of the Council a meeting of an outside body.

The Parish Council must notify District Council's Monitoring Officer of the casual vacancy and advertise the vacancy on town council noticeboards and website. The public notice (produced by District Council) specifies all relevant dates. Purpose of advertising gives local government electors for the parish of the opportunity to request a by-election – if ten give notice on or before the specified dates that they wish a by-election to be held to fill the vacancy, then a by-election will be held.

## 3. Co-option due to insufficient candidates at an election

If, following an election, the Council has less members than seats available, but remains quorate\*, then co-option may be necessary.

*\*A council's quorum is the minimum number of seats a council must have filled in order to carry out its business. This is three, or a third of the total number of seats, whichever is greater (the figure is rounded up where applicable).*

If the Council is inquorate, then the Council should contact DALC for advice.

Post-election vacancies do not exist until the new council takes office (E.g., on 9 May 2023). The Law states that a council has 35 working days to co-opt from the date new councillors take office and if they do not fill the vacancies within the timeframe, the District Council *may* take action to fill the seats. However, these powers are discretionary

and usually used only in extenuating circumstances. Thus, it is unlikely that the District Council will take action if a co-option process has been started within this timeframe.

The council does not need to post a notice of the vacancy; however, it is still recommended to advertise to attract potential candidates.

**Only the full council can make the decision about who to co-opt; it cannot be delegated to either a committee or to an officer of the council.**

#### **4. Eligibility**

Dunsford Parish Council is able to consider any person to fill a vacancy provided that:

- He/She is over 18 years of age on the day of nomination;
- Is a British citizen, an eligible Commonwealth citizen or a citizen of any other member state of the European Union.

And at least one of the following criteria is met:

- Is registered to vote in parish, from the day of nomination onwards;
- Has lived in parish (or within three miles of its boundary) for the whole of the previous 12 months;
- Has had their main or only place of work in parish for the whole of the previous 12 months;
- Has occupied as owner or tenant any land or premises in parish for the whole of the previous 12 months.

A person is disqualified from being a Parish Councillor if at the time of nomination and on the day of the by-election:

- They have served a prison sentence (including suspended sentences) of three months or more, without the option of a fine, within the last five years;
- Has been subject to a bankruptcy restriction order or interim order;
- Is an employee of Parish Council;
- Is disqualified under legislation.

#### **5. Applications**

Applicants for co-option will be asked to submit information about themselves by completing a short application form and submitting a personal statement (no more than 300 words).

Completed application forms and personal statements will be circulated to all Members for consideration at a Full Council meeting of Parish Council. Consideration of applications will be dealt with in **public session**.

It is NALC's view that where there is the same number, or less, of candidates than there are vacancies, then they shall be co-opted on to the council. If they had nominated themselves in an uncontested election, they would have had gained the seat, so it's difficult for the council to refuse an eligible candidate and will likely be subject to challenge if they do so.

## 6. Voting Process

Voting will be according to the statutory requirement in that each successful candidate must have received an absolute majority vote of those present and voting. For example, if there are 9 members voting, the successful candidate must receive six votes, even with three or more candidates. If there are more than two candidates for one vacancy and neither receives an absolute majority vote, steps must be taken to 'strike off' the candidate with the least number of votes. The remaining candidates are then subject to the voting process again. In the case of a tie between the bottom candidates, the Chairman has a casting vote to eliminate one of those candidates. In the event of a tie between the remaining two candidates, the Chairman has a casting vote to select the winning candidate.

**Example one:** Three candidates (A, B & C) standing for one position with 14 members at the meeting. Candidate A gets six votes, candidate B gets five votes and candidate C receives three votes. Candidate C is eliminated and a subsequent vote takes place between candidates A & B.

**Example two:** Three candidates (A, B & C) standing for one position with 14 members at the meeting. Candidate A gets six votes, candidate B gets four votes and candidate C receives four votes. The chairman (with a casting vote) determines which of candidate B or C is eliminated and a subsequent vote takes place between the remaining candidates.

This process must, if necessary, be repeated until an absolute majority is obtained.

**In addition, as is stated in Dunsford PC's Standing Orders: -**

The Chairman should ensure that any discussion on the Candidates takes place before voting commences and

If it is felt necessary to avoid confusion, all Cllrs can be asked to write their vote on paper to be held up and counted by the Clerk.

## APPLICATION FOR CO-OPTION TO DUNSFORD PARISH COUNCIL

Name .....

Address .....

.....

Telephone.....

Email.....

### Eligibility

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- Is a British citizen, an eligible Commonwealth citizen or a citizen of any other member state of the European Union.

**And at least one of the following criteria is met:**

- Is registered to vote in, from the day of nomination onwards;
- Has lived in (or within three miles of its boundary) for the whole of the previous 12 months; • Has had their main or only place of work in for the whole of the previous 12 months;
- Has occupied as owner or tenant any land or premises in Parish for the whole of the previous 12 months.

**A person is disqualified from being a Parish Councillor if at the time of nomination and on the day of the by-election:**

- They have served a prison sentence (including suspended sentences) of three months or more, without the option of a fine, within the last five years;
- Has been subject to a bankruptcy restriction order or interim order;
- Is an employee of Parish Council;
- Is disqualified under legislation.

**I confirm that I am eligible to apply for the vacancy of Parish Councillor in accordance with the above provisions:**

Signed: .....

Date: .....

***This should be accompanied by a personal statement, of no more than 300 words, stating why you wish to become a councillor and the skills you can bring to the role. Please send both to the Clerk at Moorview, Longdown, EX67SB or email to [dunfordclerk@gmail.com](mailto:dunfordclerk@gmail.com)***