



BLEADON PARISH COUNCIL

CO-OPTION POLICY & PROCEDURE

1. Introduction

- 1.1 Although the process for co-option to vacancies of local councils is not prescribed in law, NALC's Legal Briefing L15-08 (Re- issued: 8 July 2022) provides guidance.
- 1.2 Of paramount importance is that all applicants are treated alike so that arrangements are seen to be open, fair and transparent. This policy sets out the process to be followed by Bleadon Parish Council when co-option is under consideration.
- 1.3 Whenever the need for co-option arises, Bleadon Parish Council will seek and encourage applications from anyone who is eligible to stand as a Parish Councillor (see section 3). Councillors and parishioners can legally approach individuals to suggest they might wish to consider putting their names forward for co-option and encourage them to register their expression of interest.
- 1.4 The Parish Council is not obliged to co-opt to fill any vacancy. Even if the Council invites applications for co-option, it is not obliged to select anyone from the candidates who apply.
- 1.5 Any candidate(s) found to be offering inducements or any kind of undue pressure will be disqualified.
- 1.6 However, it is not desirable that electors of the Parish be left partially or unrepresented for a significant length of time; neither does it contribute to the effective and efficient working of the Parish Council if there are insufficient Councillors to share the workload equitably, provide a broad cross-section of skills and interests, or to achieve meeting quorums without difficulty, given that some absence is unavoidable at times.
- 1.7 Councillors elected by co-option are full members of the Parish Council and the Bleadons Childrens Playground Trust.

2. Co-option Process:

- 2.1 In the event of a vacancy occurring due to the resignation, death or ineligibility of a Councillor, the Clerk will immediately inform the Monitoring Officer at North Somerset Council who will supply the Parish Council with a copy of the requisite Notice of Vacancy for posting.
- 2.2 Should the requisite 10 electors of the Parish have not called for a poll (by-election) within the legally specified time period (currently 14 days) following the publication of the Notice of Vacancy, the Parish Clerk is notified by North Somerset Council that the vacancy(ies) may be filled by co-option. The Parish Council may then proceed to co-opt. Unless it is 6 month prior to an election when they may chose whether to or not.
- 2.3 On receipt of written notification from the Monitoring Officer that a casual vacancy can be filled by means of co-option, the Clerk will place a notice announcing that the vacancy(ies) and invite expressions of interest. The notice will be placed on the Noticeboards and on the Parish Councils website, and will include:

- A contact point so that people considering putting their names forward for co-option can obtain more information on the role of a parish councillor.
- Contact details to where expressions of interest should be made (usually the Clerk, via email or hard copy)

3. Qualifications / Disqualifications:

Meet one of the following qualification criteria:

- Be an elector for the parish.
- has resided in the parish for the past twelve months or rented/tenanted land or other premises in the parish.
- had their principal place of work in the parish.
- has lived within three miles (direct) of the parish.

There are certain disqualifications for election (see 5. 80 of the Local Government Act 1972), of which the main are:

- holding a paid office under the local authority.
- bankruptcy.
- having been sentenced to a term of imprisonment (whether suspended or not) of not less than three months without the option of a fine during the five years preceding the election.
- being disqualified under any enactment relating to corrupt or illegal practices.

4. Application Process:

- 4.1 When expressions of interest are received, the Clerk will provide all applicants with the Consent to Co-option Form (*Appendix A*) and invite them to attend two full Parish Council meetings. The form is also available to download from the Parish Councils website.
- 4.2 Having attended two full Parish Council meetings (where candidates have the opportunity to speak to the Officers and members of the Council) the Clerk will then consider completed forms to check that the individual(s) meets with the qualification requirements.
- 4.3 Co-option Candidates will be informed of the date of the next Parish Council Meeting. Notice of the Intention to consider Co-option will be included on the agenda after apologies for absence as a separate item at a Parish Council meeting.
- 4.4 Candidates will be invited to the meeting to introduce themselves and speak in support of their application. It will also provide Councillors with the opportunity to speak, through the Chair, to clarify on any information supplied.
- 4.5 Only Councillors present at the meeting may vote upon a person to fill the vacancy. Councillors will have one vote per vacancy to be filled.
- 4.6 If a candidate is a relative of a Councillor or has connections with any candidate which may be perceived as prejudicial, that Councillor should declare an interest and withdraw from the meeting. Under any of these circumstances a vote by the Councillor concerned is not allowed.
- 4.7 The Parish Council will appoint co-opted members by voting according to Standing Orders.
- 4.8 If there are exactly as many as, or fewer candidates than vacancies, the Parish Council may vote on a composite motion, duly proposed and seconded, that all candidates be co-opted. If

there are more candidates than vacancies, it will be necessary for existing Councillors present at the meeting to vote.

4.9 If there are more candidates than vacancies, Arnold Baker's "Local Council Administration" recommends that:

4.9.1 Where more than two persons have been nominated for a position to be filled by the Council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. A tie in votes may be settled by the casting vote exercisable by the chairman of the meeting.

4.9.2 Where the Council is considering the co-option of a councillor to fill a vacancy under s.89 of the Local Government Act 1972, it shall be under no obligation to accept any candidate.

4.10 After the vote:

Any Candidates that are not present at the meeting, will either be notified of the results by the Clerk, as soon as is reasonably possible (usually within 24 hours) or will have the vote deferred until the next meeting.

Successfully co-opted candidates become Councillors in their own right, with immediate effect, at the meeting they are co-opted and are no different to any other member. As such, they must sign the Declaration of Acceptance of Office and Registration of Interests Form at their first meeting, or within 28 calendar days of election whichever is the sooner.

The successful candidate(s) will also confirm that they will comply with and abide by the Parish Council's Code of Conduct and book in on Basic Councillor Training. Should the new Councillor not comply with or breach the Code of Conduct, then the Monitoring Officer at North Somerset Council will be advised, who will then deal with the matter.

The successful candidate's term of office runs until the next quadrennial elections for the Parish Council.

NOTES:

This document is based upon a study of legislation, guidelines and practices of other Local Councils. It is intended as a summary of the most relevant points of procedure and legislation, rather than a definitive exposition.

Legislation covering casual vacancies can be found at *The Local Elections (Parishes and Communities) (England and Wales) Rules 2006*: <http://www.legislation.gov.uk/ukSI/2006/3305/article/5/made?view+plain>



Candidate's Consent to Co-option For Bleadon Parish Council

Date of Co-option: _____

I, (name in full)

_____ of (home address in full)

hereby consent to my nomination as a candidate for co-option as a Parish Councillor for BLEADON Parish.

I declare that on the day of my nomination I am qualified and that, if there is a poll on the day of co-option, I will be qualified to be so co-opted by virtue of being on that day or those days a qualifying Commonwealth citizen, a citizen of the Republic of Ireland or a citizen of another Member State of the European Community, who has attained the age of 18 years and that

* (a)	I am registered as a local government elector for the administrative area of the Parish in respect of <i>(qualifying address in full)</i>	
	and my electoral number <i>(see note below)</i> is	; or
* (b)	I have during the whole of the twelve months preceding that day or those days occupied as owner or tenant of the following land or other premises in the Parish <i>(description and address of land or premises)</i>	
		; or
* (c)	my principal or only place of work during those twelve months has been in that Parish at <i>(give address of place of work and, where appropriate, name of employer)</i>	
		; or
* (d)	I have during the whole of those twelve months resided in that Parish or within 4.8 kilometres of it at <i>(give address in full)</i>	

* delete whichever is inappropriate, (but you can include all those that apply)

I declare that to the best of my knowledge and belief I am not disqualified from being co-opted by reason of any disqualification set out in Section 80 of the Local Government Act 1972, or any decision made under section 79 of the Local Government Act 2000,

Name _____

Signature: _____

Date of consent: _____

My specific interests in the community are: - _____

- NOTES:
1. A person's electoral number is his number in the register to be used at the election (including the distinctive letters of the parliamentary polling district in which he is registered).
 2. A candidate who is qualified by more than one qualification only needs to complete one of those that apply.