



## Colsterworth and District Parish Council (CAD) Co-option Policy and Procedure

### **1. Introduction**

This policy sets out the procedure to ensure there is compliance with legislation and continuity of procedures in the co-option of members to Colsterworth and District Parish Council (CAD). The Co-option procedure is entirely managed by CAD and this policy will ensure that a fair and equitable process is carried out.

### **2. Co-option**

1. The Co-option of a Parish Councillor occurs when a casual vacancy has arisen on the Council and no poll (by- election) has been called. A casual vacancy occurs when:
  - A councillor fails to make his declaration of acceptance of office at the proper time;
  - A councillor resigns;
  - A councillor dies;
  - A councillor becomes disqualified; or
  - A councillor fails for six (6) consecutive months to attend meetings of a council committee or subcommittee or to attend as a representative of the Council a meeting of an outside body.
2. CAD has to notify the District Council of a Casual Vacancy arising and then advertise the vacancy and give electors the opportunity to request an election. This occurs when ten electors write to the District Council stating that an election is requested.
3. If a by-election is called, a polling station will be set up by the District Council and the people of the parish will be asked to go to the polls to vote for candidates who will have put themselves forward by way of a nomination paper.
4. CAD will pay the costs of the election.
5. The people of the parish have fourteen days (not including weekends, bank holidays and other notable days), to claim the by-election, but the electoral officer will advise the clerk of the closing date.
6. If more than one candidate is then nominated a by-election takes place but if only one candidate is put forward they are duly elected without a ballot.
7. If ten residents do not request a ballot within fourteen days of the vacancy notice being posted, as advised by the District Council, CAD is able to co-opt a volunteer.

### **3. Confirmation of Co-option**

1. On receipt, of written confirmation, from the Electoral Services Office from the District Council, the casual vacancy can be filled by means of Co-option, the Parish Clerk will advertise the vacancy on the Council noticeboard and website
2. If no by-election is called, the council must as soon as practicable after the expiry of the 14-day period fill the vacancy by co-option. If the vacancy falls within the six-month period of an ordinary election, the Council may but need not fill the vacancy. It must still, in the latter case, give public notice of the vacancy
3. It is not desirable that electors in a particular ward be left partially or fully underrepresented for a significant length of time. Neither does it contribute to effective and efficient working of the Council if there are insufficient councillors to share the workload; equitably; to provide a broad cross-section of skills and interests; or the achieve meeting quorums without difficulty. Councillors elected by co-option are full members of CAD.

#### **4. Eligibility of Candidates**

1. CAD is able to consider any person to fill a vacancy provided that:
  - He/she is an elector for the parish; or
  - has resided in the parish for the past twelve months or rented/tenanted land or other premises in the parish; or
  - had his/her principal place of work in the parish; or
  - has lived within three miles (direct) of the parish.
2. There are certain disqualifications for election, of which the main are (see 5.80 of the Local Government Act 1972):
  - 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; and
  - being disqualified under any enactment relating to corrupt or illegal practices.

Candidates found to be offering inducements of any kind will be disqualified.

#### **5. Applications**

1. Councillors may point out the vacancies and the process to any qualifying candidate(s). Although there is no Statutory Requirement to do so.
2. Candidates will be requested to:
  - Submit information about themselves, by way of completing a short application form (Appendix A)
  - Confirm their eligibility for the position of Councillor within the statutory rules (Appendix B).
3. Following receipt of applications, the next suitable council meeting will have an agenda item 'To receive written applications for the office of Parish councillor and to Co-opt a candidate to fill the existing vacancy.'
4. Copies of the candidate's applications will be circulated to all Councillors by the Clerk at least 3 clear days prior to the meeting of the full Council, when the Co-option will be considered. All such documents will be treated by the Clerk and all Councillors as Strictly Private and Confidential.
5. Candidates will be sent a full agenda of the meeting at which they are to be considered for appointment, together with a copy of the Code of Conduct, Standing Orders and Financial Regulations of CAD Parish Council. Candidates will also be informed that they will be invited to speak about their application at the meeting.

#### **6. At the Co-option Meeting**

1. Decisions made by a local council about whether or not to co-opt when vacancies remain unfilled after an ordinary election and who to co-opt when any casual vacancy arises should be transparent.
2. The National Association of Local Council's guidance (LTN8: 08 July 2022 (23) states it would be difficult for a local council to argue that there are special reasons which justify excluding the public during a council meeting when it is making decisions about a matter of public interest such as co-option. Decisions about co-option which are made at council meetings when the public have been excluded will not eliminate the need for a council to explain, for example to unsuccessful candidates, the reasons for its decisions.
3. Where the Council wishes to discuss the merits of candidates and inevitably their personal attributes, this could be prejudicial, and the Council will resolve to exclude the members of the press and public. The process will be carried out by adjourning the meeting.

4. At the co-option meeting, candidates will be given five minutes maximum to introduce themselves to Councillors, give information on their background and experience and explain why they wish to become a Member of CAD.
5. Where the number of candidates is less than or equal to the number of vacancies, the candidates shall be appointed to the council vacancy they applied for if they meet the section 79 eligibility criteria, and they are not disqualified.
6. If there are more candidates than vacancies, as soon as all candidates have finished giving their submissions, the council will proceed to a vote on the acceptability of each candidate utilising any personal statements provided by candidates, with each candidate being proposed and seconded by the councillors in attendance and a vote by a show of hands.
7. The vote will be recorded so as to show whether each Councillor present and voting gave his/her vote for or against that question.
8. In order for a candidate to be elected to CAD, it will be necessary for them to obtain an absolute majority of votes cast (50% + 1 of the votes available at the meeting).
9. If there are more than two candidates and there is no candidate with an overall majority in the first round of voting the candidate with the least number of votes will drop out of the process.
10. Further rounds of voting will then take place with the process repeated until a candidate has an absolute majority.
11. In the case of an equality of votes, the Chairman of the meeting has a second or casting vote.
12. After the votes have been concluded, the Chairman will declare the successful candidate duly elected and after signing their declaration of acceptance of office, may take their place immediately.
13. The Clerk will notify Electoral Services of the new Councillor appointment. The successful candidate(s) must complete the 'registration of interests' within 28 days of being elected.
14. The form should be handed to the Clerk for forwarding to the Monitoring Officer. If insufficient candidates come forward for co-option, the process should continue, whereby the vacancies are again advertised.

Document Control and Policy Review:

Adopted at Colsterworth and District Parish Council Meeting:	Date: 6 <sup>th</sup> February 2024
Chairman:	Caroline Hainsworth
Responsible Officer/Clerk	Sue Grant
Document Control: Version	CAD-Co-Option.Policy.2024.02
Policy Review Date	February 2025
Adopted at Colsterworth and District Parish Council Meeting:	Date: 24 <sup>th</sup> January 2023
Chairman:	Caroline Hainsworth
Responsible Officer/Clerk	Sue Grant
Document Control: Version	CAD-Co-Option.Policy.2023.02
Policy Review Date	February 2024
Adopted at Colsterworth and District Parish Council Meeting:	Date: 1 <sup>st</sup> February 2022
Chairman:	Caroline Hainsworth
Responsible Officer/Clerk	Sue Grant
Document Control: Version	CAD-Co-Option.Policy.2021.02
Policy Review Date	February 2023
Adopted at Colsterworth and District Parish Council Meeting:	Date: 2 <sup>nd</sup> February 2021
Chairman:	Caroline Hainsworth
Responsible Officer/Clerk	Sue Grant
Document Control: Version	CAD-Co-Option.Policy.2021.02
Policy Review Date	February 2022

## **Appendix A**

Thank you for your interest in becoming a Parish Councillor. Please provide the below information to assist the council in making their decision.	
Full Name & Title	
Home Address	
Home Telephone	
Mobile Telephone	
Email Address	
About You	
Please provide the council with some background information about yourself.	
Reasons for applying	
Please provide the council with your reasons for wanting to become a Parish Councillor.	
For the Ward/Parish (Tick one option)	Colsterworth (including Woolsthorpe) ( ) North Witham (including Lobthorpe) ( ) Stainby and Gunby ( )
Signature	
Please return your completed application to the Clerk to the council. Email; <a href="mailto:clerk@colsterworthanddistpc.co.uk">clerk@colsterworthanddistpc.co.uk</a> Telephone Number: 01476 861888	
Your application will be considered at the next available Parish Council meeting, where a vote will be held to decide whether the council agrees to co-opt you onto Colsterworth and District Parish Council.	
General Data Protection Regulations 2108: The information provided on this application will remain	

private and Confidential.

**Appendix B**

**Parish Councillor Eligibility Form**

I..... (please provide your full name) would like to be **considered** by the Colsterworth and District Parish Council for nomination as a Parish Councillor on that Council.

I understand that legislative provisions set out the necessary qualifications for a person holding office as a Parish Councillor, and that the information that I provide will be used to check that I have the necessary qualifications.

I understand that in certain circumstances an election will be held and I agree to stand for election in these circumstances.

Signed..... Date.....

Age (A person must be eighteen years old.)	
Home address (in full)	
Qualifying address: Add your qualifying address, or qualifying addresses (in full) to each of the relevant qualifications below (you can complete more than one qualification).	
Qualifications that apply	Address
(a) I am registered as a local government elector for the area of the parish named above	
(b) I have, during the whole of the preceding 12 months occupied as owner or tenant land or other premises in the parish named above	
(c) my principal or only place of work during the preceding 12 months has been in the parish named above	
(d) I have during the whole of the preceding 12 months resided in the parish named above or within 4.8 kilometres of it.	

Please return completed form to:

The Parish Clerk: Email; [clerk@colsterworthanddistpc.co.uk](mailto:clerk@colsterworthanddistpc.co.uk).....

Telephone Number: 01476 861888.....