



## Co-Option Policy

Author	Amended	Adopted	Summary of amendments
Rob Williams		10/02/2021 Minute ref 061/21	
Claire Newton	May 2023	25/07/2023 Minute ref 022/23 (a)	<ul style="list-style-type: none"> <li>➤ Formatting</li> <li>➤ Inclusion of criteria and purpose</li> <li>➤ Changed CBC to CCC</li> </ul>



## **1. Purpose**

The purpose of this policy is to outline the process by which Tiptree Parish Council (TPC) will fill any vacancies that may arise on the council through co-option.

Although the process for co-option to vacancies on Parish Councils is not prescribed in law, NALC's Legal Topic Note LTN 8 - Elections and Co-option (June 2020) and Legal Briefing L15-08 – Co-Option (Original date of issue: 23 July 2008 Re- issued: 7 May 2015) provide guidance.

Of paramount importance is that all candidates are treated alike so that arrangements are seen to be open, fair and transparent.

Whenever the need for co-option arises, Tiptree Parish Council will seek and encourage applications from anyone who is eligible to stand as a Parish Councillor. 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.

## **2. Eligibility Criteria**

To be eligible for co-option, a candidate must:

- Be at least 18 years old
- Be a registered voter within the parish or live or work in the parish or within 3 miles of the parish boundary
- Not be disqualified from standing as a councillor by any legislation

## **3. Co-option Process**

- i. After an ordinary election where there were insufficient candidates for the number of seats available, or after receiving confirmation from Colchester City Council (CCC) that a by-election has not been called, the Clerk should advertise the Parish Council's intention to fill the vacant seat(s) by co-option on the noticeboards, the Parish Council's website, or elsewhere as appropriate.

The 'Notice of Co-option' should include:

- Contact details for further information.
- How and where to obtain a copy of the TPC Co-option Application Form.
- How and where to return completed application form.
- If appropriate, a closing date for applications and details of the date and time of the meeting when the co-option will take place.



- ii. Completed copies of the application form should be returned (via hard copy or via email) to the Clerk who will check the forms to ensure that the individual(s) meets the qualification requirements.
- iii. Copies of the completed application forms will be circulated to all Parish Councillors prior to a full meeting of the Council where the co-option is to be considered.
- iv. All such documents will be treated by the Clerk and Councillors as strictly private and confidential.
- v. Notice of the Intention to Co-opt should be given in the agenda for the meeting of the Parish Council.
- vi. Candidates will be invited to the meeting to introduce themselves and to provide Councillors with the opportunity to ask questions of them, although candidates may decide to rely on the written submissions alone.
- vii. 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. The Chair of the meeting retains a casting vote if required.
- viii. If a Councillor is a relative of a candidate 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.
- ix. Candidates will be asked to retire from the meeting following their questioning, whilst the Parish Council discuss the applications and vote for the co-option.
- x. The Parish Council will appoint co-opted members by voting according to Standing Orders, unless an alternative method of voting has been agreed.
- xi. 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.

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

- 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 chair of the meeting.
- If there is a tie for the number of people with the least votes then a separate vote shall be taken to establish which of these names shall be struck off the list.
- After the vote: Candidates that have been excused from the meeting will be asked to enter, and the Chair will deliver the result of the vote to those candidates



present. Any candidates that are not present at the meeting, will be notified of the results by the Clerk, as soon as is reasonably possible (usually within 24 hours).

xii. Successful candidates must:

- sign the Declaration of Acceptance of Office form in the presence of the Clerk or a nominated Councillor before they can take up their position as a Councillor. This should be at the first opportunity, unless exceptionally, the Council agree a later date.
- complete their Register of Interest form (as required by the Localism Act 2011, s.30(1)) at the first meeting or within 28 days, whichever is sooner, and return the completed form to the Clerk.
- The successful candidate's term of office runs until the next quadrennial elections for the Parish Council.

xiii. The Clerk will provide the successful candidate(s) with a copy of the Parish Council's Code of Conduct and Standing orders. The successful candidate(s) will also confirm that they will comply with and abide by the Parish Council's Code of Conduct, as they had previously indicated on their Co-Option Application Form. Should the new Councillor not comply with or breach the Code of Conduct, then the Monitoring Officer at CCC will be advised, who will then deal with the matter.

The Clerk will inform CCC Democratic Services who the new Councillor(s) is(are) and forward their Register of Interest form(s). All copies of the Co-option Form for unsuccessful candidate(s) will be disposed of in line with GDPR legislation.

**NOTES:** 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>