



Elton Parish Council

Co-Option Policy

This policy is supplemental to, and does not in any way override, the Parish Council standing orders and/or Financial Regulations.

This policy was adopted by the full parish council at its meeting on 14 October 2024 (minute 24.75.2).

1. Introduction

1.1 This policy describes how Elton Parish Council will ensure that its co-option process is accessible, fair, open and transparent.

1.2 Co-option is the process which is followed if a vacancy occurs on the council through the resignation, disqualification or death of a councillor during their term of office, where, following statutory notice of the vacancy, the electorate do not request that a poll (by-election) is held.

1.3 The co-option procedure can also be used if, following the close of nominations for a full parish council election, there are vacancies (i.e. not enough candidates have put themselves forward for the number of seats available to be filled.)

2. Scope

2.1 The policy and its procedure will be applied when a vacancy as described above is required to be filled.

2.2 The policy will be followed by the Clerk, any other relevant employees, all councillors and prospective candidates.

3. The Legal Framework

2.1 The law governing the filling of a casual vacancy by co-option can be found in the Representation of the People Act 1983, Local Elections (Parishes and Communities) (England and Wales) Rule 2006, r. 5 (5).

2.2 The Local Government Act 1972 ss. 70 and 80 (eligibility to take office); Sch.12, para. 39 (absolute majority of votes); s. 83 (4) (signing the declaration of acceptance of office); s. 16 (3) (term of office held until the end of the current term of the other councillors).

2.3 Interpretation of the law and guidance on the procedure for voting in council on casual vacancies can be found at Section 6.15 (page 49-50) of Arnold-Baker on Local Council Administration (Clayden, 2016)

4. Dissemination and training

4.1 The council will issue this policy to all employees, all members and will be available on the Parish Council website.

4.2 This policy will be highlighted during the co-option procedure to all prospective candidates.

5. Monitoring and review

5.1 A review of the policy shall be undertaken every four years and necessary amendments will be advised by the parish clerk and reviewed by the full council for approval.

5.2 Changes in the law will be monitored and, if necessary, amendments/reviews made to the policy.

6. The Procedure

6.1 Advertising the vacancy

6.1.1 Upon notification from Cheshire West and Chester Democratic Services that no elector poll has been requested and that a vacancy is eligible to be filled by co-option, the notification of the vacancy will be advertised. An example of such a notice is to be found in Appendix 1.

6.1.2 The advertisement must state the rules for eligibility and a pro forma expression of interest form (Appendix 2) will assist interested candidates to confirm their eligibility to sit on the parish council. Additional background information about Elton Parish Council can be found on the parish council website - <https://www.eltonparishcouncil.co.uk/>

6.1.3 Candidates will be invited to submit an expression of interest and include a short statement explaining the reasons for seeking to become a parish councillor.

6.1.4 The opportunity to respond to the advertisement will be open until the vacancy is filled.

6.1.5 The date of the next meeting when the co-option is to be considered will be stated in the advertisement.

6.2 Application letters

6.2.1 Application letters will be forwarded to all councillors upon receipt.

6.3 The Co-option meeting

6.3.1 The co-option will be an agenda item at the next possible meeting.

6.3.2 Candidates will be invited to attend a meeting of the council where a number of questions may be put to each candidate individually. If a candidate is not able to attend, the decision on whether to pursue their application will reside with the councillors.

6.3.3 The Chair shall then move to a vote, presenting each candidate in surname alphabetical order. The voting process will be that laid down in Standing Order 8 below. To be co-opted onto the Council, the candidate must receive an absolute majority of the votes of those present and voting (that is more than half of the total votes cast.)

6.3.4 If there is more than one vacancy, each vacancy should be filled by a separate vote or series of votes.

6.3.5 After the vote has been taken, the Chair will declare the candidate(s) who received the highest number of votes duly elected.

6.3.6 The person(s) elected must make a declaration of acceptance of office before, or at the first meeting of the council following their election, in the presence of a member of the Parish Council or the Proper Officer of the Parish Council.

6.3.7 Standing Order 8:

VOTING ON APPOINTMENTS

(a) If requested by any member before the vote is taken, a resolution may be put that voting on appointments be by signed ballot.

(b) 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.

6.4 After appointment

6.4.1 Successful candidates will be provided with links to all relevant information and policies by the clerk and invited to a short induction meeting.

6.4.2 Successful candidates will be given information about new councillor training opportunities offered by the Cheshire Association of Local Councils.




ELTON PARISH COUNCIL NOTICE OF A COUNCILLOR VACANCY

Notice is hereby given that a vacancy has occurred in the office of Parish Councillor Elton Parish Council as a result of [reason for vacancy]


Following the notice of the vacancy to the electorate, advertised from [date] to [date] no poll (by-election) has been called and the Parish Council can now fill the casual vacancy by co-option. Co-option means that a person can come forward and express an interest in filling the vacancy. A person co-opted to fill a casual vacancy on a Parish Council must fulfil the same criteria as a person being nominated as a candidate at an election.

To qualify you must be:



Over 18 years of age on the day you take office
AND
A British citizen, qualifying Commonwealth citizen, or qualifying EU citizen*(see below)
AND
On the electoral roll for the area
OR for 12 months or more have been:
a resident within the boundary
OR a tenant or owner of land or premises within the boundary
OR had your main employment within the boundary
OR living within 3 miles (4.8km) of the boundary

BUT NOT be



Employed by the parish council or any company it may control
Subject to any bankruptcy order
In the last five years have been convicted of a crime and sentenced to three or more months in prison (whether suspended or not), nor convicted of offences involving corruption, illegal practices or failure to register an interest under the Localism Act 2011.

* A qualifying EU citizen is a citizen residing in the UK prior to 1 January 2021 OR a citizen of Spain, Portugal, Luxembourg or Poland, as these are the countries that have so far made an agreement with the UK to allow their citizens to vote and to stand in elections.

If you are interested in serving as a Parish Councillor, please contact the clerk for an application pack which includes information about the parish council and what it is like to be a councillor.

Lara Jacob

07871 614665 and email: parishclerk@eltonparishcouncil.co.uk

Elton Parish Council, Elton Community Centre, School Lane, Elton CH2 4PU

The closing date for submissions to the Clerk, either by post or email, is [date, time].

Candidates will be invited to attend the Ordinary meeting of the Parish Council on [date] at 7.00pm to make a public presentation at the end of which a vote will be taken and the successful candidate will be invited to accept the office of councillor.



ELTON PARISH COUNCIL COUNCILLOR VACANCY EXPRESSION OF INTEREST

Full name	
Home address Inc. Postcode	
Telephone number	
Mobile number	
Email	

PLEASE CONSIDER THE QUESTIONS BELOW CAREFULLY AS THEY SET OUT THE LEGAL QUALIFICATIONS FOR BEING A PARISH COUNCILLOR

(To qualify you must be able to answer 'Yes' to both questions)

Are you a British citizen, a Commonwealth citizen or a qualifying citizen of a European Union country?	Yes/No
Are you 18 or over?	Yes/No

*(To qualify you must be able to answer 'Yes' to at least one of the questions below
You only need one of the following four qualifications but indicate 'Yes' to all that apply)*

Are you on the electoral register for the Parish of Elton?	Yes/No
Have you lived either in the Parish of Elton or within three miles (4.8 km) of its boundary, for at least a year?	Yes/No
Have you been the owner or tenant of land in the Parish of Elton for at least a year?	Yes/No
Have you had your only or main place of work in Parish of Elton for at least a year?	Yes/No

DISQUALIFICATIONS

(You must be able to answer No to all of the questions below to be eligible to serve as a councillor)

Are you the subject of a bankruptcy restriction order or interim order?	Yes/No
Have you within the last five years been convicted of an offence in the UK, the Channel Islands or the Isle of Man which resulted in a sentence of imprisonment (whether suspended or not) for a period of three months or more without the option of a fine?	Yes/No
Are you disqualified by order of a court from being a member of a local authority?	Yes/No

Please briefly outline of why you are interested in being a Parish Councillor.

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 or trade union experience.

Please tell us something about the skills you feel you will bring to the Council.

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

Please return this form to the Clerk of the Council by **[date]**
by email to parishclerk@eltonparishcouncil.co.uk
or post Elton Parish Council, Elton Community Centre, School Lane, Elton CH2 4PU