

## Bergh Apton Parish Council Co-option Policy

### **Scope and purpose**

This policy aims to explain the procedure regarding co-option. The information contained in it is to be used by members of the council and members of the public. The aim of the policy is also to show that the council endeavours to treat all applicants fairly and alike, and to ensure that the process is also seen as fair, open and transparent. This policy details the processes to be followed regarding co-option.

### **Background**

Ordinary elections are held every 4 years, in 2023, 2027, 2031 etc, and councillors are elected to serve a 4 year term of office. A casual vacancy occurs when a parish/town councillor resigns, dies, ceases to become qualified, or becomes disqualified, at any time during the 4 year period. The vacancy must be filled, either by election, or co-option, except during the last 6 months of the 4 year period, when the council may co-opt.

In addition a vacancy can result from insufficient councillors being elected as a result of an ordinary election and this vacancy can be filled by co-option.

### **Qualifications to be a Councillor**

A person is qualified to be elected and to be a councillor if they are a British, Commonwealth, Irish or a Qualifying EU citizen (see below) and on the relevant day (that is, the day of nomination or election) they are 18 or over.

- Qualifying EU citizens – citizens of certain EU countries (currently Denmark, Poland, Spain, Portugal and Luxembourg) where the UK has reciprocal bilateral voting/candidacy rights agreements.

- EU citizens with “retained rights” – EU citizens (from any EU country) who were legally resident in the UK before 31<sup>st</sup> December 2020 and have maintained lawful immigration status since then.

In addition, the person must meet at least one of the following criteria

(1) on the relevant day and thereafter they continue to be on the electoral register for the parish, or

(2) during the whole of the twelve months before that day they have owned or tenanted land or premises in the parish, or

(3) during the whole of the twelve months before that day their principal or only place of work has been in the parish, or

(4) during the whole of the twelve months before that day they have resided in the parish or within three miles of it.

Except for qualification (1), these qualifications then continue for the full term of office, until the next ordinary elections.

Certain people are disqualified from standing, and these include paid officers (including the Clerks) of the council, bankrupts and those subject to recent sentences of imprisonment.

### **The Causes of a Casual Vacancy and the Effective Date of the Vacancy**

1. Failure to complete a declaration of acceptance of office within the proper time. This must be done before or at the first meeting of the Council, unless the council permits otherwise. The effective date of the vacancy is the closing date for making declarations of acceptance of office.

2. When a notice of Resignation has been received. A councillor may at any time resign their office by written notice delivered to the chairman of the parish council. There is no special form for the notice. There is no procedure for withdrawing a resignation.

3. Holds any paid office or employment (other than the office of chair, vice chair or deputy chair) to which he has been appointed by the council or any committee or sub-committee of the council, or by a paid officer of the council, or by any joint committee on which the council is represented.

4. Is the subject of a bankruptcy restrictions order or interim order (A bankruptcy restrictions order is not issued for every bankrupt as it depends on the behaviour of the bankrupt whether it is applied or not).

5. Has within five years before the day of election or since his election been convicted of any offence and has had passed on him a sentence of imprisonment of at least three months (whether suspended or not) without the option of a fine.

6. Has been found guilty of corrupt or illegal practices or was responsible for incurring unlawful expenditure and the court orders his disqualification.

7. A Councillor ceases to hold office if they fail to attend any meetings of their council for a period of six months, and their apologies have not been received or accepted by the council. In this case a casual vacancy would then exist.

### **Notice of the Casual Vacancy must be given**

Copies of the Notice are supplied by South Norfolk Council's Electoral Services Team, and they should be put up forthwith.

The notice allows ten electors of the parish or ward to request that an election be held to fill the vacancy. There is no form of words for this request, which might simply be a letter headed with such words as "We the undersigned being electors for the [Ward of] ... Parish, call for an election to fill the vacancy arising from the [death][resignation] of ...". It is helpful if the ten signatures are accompanied by printed names, addresses and electoral numbers from the current electoral register.

The request is sent to the Returning Officer of South Norfolk Council and must be received within fourteen days computed in accordance with the election rules. The election must then be held within sixty days of the date of the notice of casual vacancy.

If no request is received, then, after the expiry of the fourteen day period, the council shall co-opt a person to fill the vacancy as soon as is practicable.

In the case of a casual vacancy occurring in the last six months before the ordinary elections, the council is required to give a notice of the casual vacancy, but an election is not held. The council may co-opt if it wishes, leaving any unfilled vacancies to be filled at the ordinary elections.

### **If an election is called for**

The Returning Officer will set a date for polling day, and the election process will begin with the publication of a notice of election, copies of which will be supplied to the clerk. That notice informs the electors where they may obtain nomination papers and the date by when they should be delivered. It gives the dates by which applications to vote by post or proxy must be made. It also gives the date of the poll in the event of a contest.

### **Co-option**

The council may co-opt whoever it pleases to fill a casual vacancy. However, that person must be qualified to serve as a councillor.

## **Applications**

We aim to encourage applications from anyone in the parish who is eligible to stand. Councillors or parishoners can approach individuals to suggest that they might wish to consider putting their names forward for co-option. As a minimum, co-option vacancies will be advertised on the website and on the noticeboard. The advertisement for the co-option will include:

- a) Method by which applications can be made, this will be writing to the Clerk
- b) The closing date for applications
- c) Contact point for potential candidates to obtain more information – the Clerk

## **Attendance following an application**

Copies of the information received from candidates will be circulated by the Clerk to all Councillors prior to the meeting of the Parish Council meeting during which the co-option will be considered. All candidates will be sent a copy of the agenda and agenda papers.

At the Parish Council meeting candidates will be invited to say something about themselves and what they would like to achieve as a Parish Councillor. Each candidate will be allocated a maximum of six minutes.

## **Voting to co-opt a Councillor**

In the event of a candidate being unable to attend, their application will still be considered by members. In the event of a candidate being related to a councillor, then the councillor would be expected to declare an interest and request a dispensation to speak and vote.

The usual rules on voting apply. Provided that the meeting has a quorum, the decision must be made by a majority of members who are present and voting. The person presiding over the meeting may vote, and if there is an equality of votes they may exercise their casting vote. Members must vote by show of hands unless the council has standing orders that provide otherwise. Where there are more than two candidates for the vacancy, it may be necessary to run a series of votes, each time removing the candidate who has the least number of votes until one candidate secures an absolute majority. If there is more than one vacancy then each vacancy must be filled by a separate vote or series of votes.

The council's debate and vote on the co-option must be conducted in the public section of its meeting. It follows that the candidates, as members of the public, will be entitled to be present during the proceedings.

### **Starting as a Councillor**

The successful candidate(s) are asked to start as a councillor immediately after completing their declarations of acceptance of office. The new member should have received an agenda however the fact that they have not received a summons does not make their attendance as a councillor illegal. (Local Government Act 1972 Sch 12, para 10(3)). Where appropriate they will also be appointed to any council committee. If an absent candidate is successful, members must agree to the signing of the declaration of acceptance of office before or at the very start of the next meeting. New councillors will also be made aware of the facts that Interest Forms will need to be completed within 28 days of co-option.

Adopted May 2026

To be reviewed May 2030