

Co-option Policy

Cross Roads Parish Council

Introduction:

This policy outlines the procedure to be followed by Cross Roads Parish Council when a casual vacancy arises by virtue of Councillor resignation, disqualification, or death.

The Electoral Services Department at Bradford Council will be informed of the vacancy as soon as practicable after it arises.

Cross Roads Parish Council will follow the relevant legislation to allow ten electors to claim a by-election. Assuming there is no call for a by-election Cross Roads Parish Council will fill the vacancy by co-option using the following procedure.

Procedure:

1. A notice will be erected in a conspicuous place in the parish inviting people who are interested in being a Councillor to contact the Parish Clerk.
2. The notice advertising the vacancy will contain a closing date for receipt of applications.
3. Upon receipt, the Clerk will check (as far as reasonably possible) that candidates are eligible in accordance with the Local Government Act 1972, section 79. To be eligible, the candidate must:
 - be 18 years old or over; and
 - is an elector for the parish; or
 - has resided in the parish for the past twelve months or rented/tenanted land in the parish; or
 - had his/her principal place of work in the parish; or
 - has lived within three miles (direct) of the parish.and not disqualified from being a Councillor by virtue of section 80 of the Local Government Act 1972, Part 2 of the Sexual Offences Act 2003 and Local Government (Disqualification) Act 2022, or a Criminal Conviction, Section 34 of the Localism Act 2011.
4. 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'.

NOTE: *The following italic text is guidance for the council and should be removed prior to the policy being formally adopted.*

The Council can choose how to manage this part of the process and may make its selection using information in the written application only or it may invite the candidates to come to the meeting to say a bit about themselves, which is quite a useful exercise.

Is important to remember that the process must be transparent, fair and equitable.

How the Council resolves to manage this process should be detailed here; for example:

The Council needs to decide on which examples:

5. Cross Roads Parish Council will consider all applications at a meeting of the Council and resolve to co-opt the most suitable candidate.

or

5. Cross Roads Parish Council will request all those submitting an application to attend a Parish Council meeting and provide a short 5 minute presentation as to their suitability as a Parish Councillor, prior to resolving to co-opt the most suitable candidate.

or

5. Cross Roads Parish Council will appoint a co-option interview panel. This panel will interview all those submitting an application to attend an interview, to discuss their application a recommendation to the Council as to its preferred candidate for co-option.

NOTE: Cross Roads Parish Council is aware of the need for confidentiality in part of the co-option process. The section where candidates speak to the meeting is not prejudicial to the public interest, however where Cross Roads Parish Council is discussing the merits of candidates and inevitably their personal attributes etc, this could be prejudicial and so for this part of the process, Cross Roads Parish Council will exclude members of the press and public (Public Bodies (Admission to Meetings) Act 1960). The members must vote in the normal way, i.e. proposer, seconder, and vote by show of hands. Difficult though it may be because co-option is a very local issue, this part of the process is not prejudicial to the public interest, and the public should be present for it.

6. Decisions of a local Council are normally made on a simple majority vote. The only occasion where this differs is in the co-option process. Where Cross Roads Parish Council has more than two applicants for one vacancy it will ensure that the successful applicant receives an absolute majority of the votes cast. The difference is that the person elected receives more votes than the others added together.

7. Where there is one candidate for one seat or any situation where the number of candidates is equal to the seats available, Cross Roads Parish Council must appoint the candidates as long as they are qualified to hold public office under Section 79 of the Local Government Act 1972 and are not disqualified as summarised at point 3.

8. The successful candidate will sign a Declaration of Acceptance of Office before they can act as a Parish Councillor.

9. The Parish Clerk will provide the new Councillor with Cross Roads Parish Council's adopted Code of Conduct.

10. The Parish Clerk will provide the new Councillor with Cross Roads Parish Council's induction pack.

Policy Details

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