



CO-OPTION POLICY

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www.heworthwithout.org.uk

This policy outlines the procedure to be followed by Heworth Without parish council for Co-Option

1. A casual vacancy on a Parish/Town council will usually arise if a councillor has:

- resigned
- passed away
- failed to attend any meetings for six consecutive months
- been disqualified
- taken up paid office for the authority they are elected to Any resignations must be addressed to the Chairperson of the Parish/Town Council.

Resignations cannot be predated and they cannot be withdrawn once submitted. If the person resigning is the Chairperson, then the resignation must be submitted to the Parish Council.

2. Notice of vacancy procedure

When any vacancy occurs, the parish clerk should complete a Notice of Vacancy and publish it to the parish website as soon as possible (NB in the case of the death of a councillor, it is advisable to wait until after the funeral, as a mark of respect).

The clerk should notify electoral services (by email to electoral.services@york.gov.uk) as soon as the Notice has been published and attach a copy of the Notice to the email.

During the 14 working day period, eligible electors can request an election. For an election to happen the Returning Officer must receive at least 10 valid requests from electors within the electoral area (the parish or, for warded parishes, the ward of the parish) where the vacancy exists. If an election is called, the electoral services team will manage the process.

If after the 14 working day period expires an election has not been requested, electoral services will inform the Parish/Town Council and request that they co-opt as soon as possible a qualified person onto the council to fill the vacancy.

Once a new councillor has been co-opted notify electoral services. New Councillors are required to complete a declaration of acceptance of office, which is kept by the Parish/Town Council and to register their interests with City of York Council Monitoring Officer at democratic.services@york.gov.uk or posted to the address on the form (as required under rule 29 of the Localism Act 2011).

3. Vacancies within 6 months of the term of office expires

If a casual vacancy on a Parish/Town Council occurs less than six months before the councillor's term of office was due to end, an election will not be held. However, the Parish/Town Council may fill the vacancy by co-opting a person who is duly qualified.

Assuming there is no call for a bye-election the council will fill the vacancy by co-option using the following procedure:

4. The process

- a. A notice is erected in a conspicuous place in the parish inviting people who are interested in being a parish councillor to write to the council and to complete an application.
- b. The notice advertising the vacancy will contain a closing date for receipt of applications.
- c. Upon receipt, the council must check (as far as reasonably possible, using the YLCA eligibility checklist) that candidates are eligible in accordance with the Local Government Act 1972, section 79.

In order to be eligible, the candidate must:

- be 18 years old or over; and
- be an elector for the parish; or
- have resided in the parish for the past twelve months or rented/tenanted land in the parish; or
- have his/her principal place of work in the parish; or
- have lived within three miles (direct) of the parish.

and not be disqualified from being a councillor by virtue of section 80 of the Local Government Act 1972.

- d. 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'.
- e. The council can request for all those submitting an application to attend a meeting, either at a scheduled Ordinary Meeting or in advance of the meeting (so not to prolong an Ordinary meeting) asking candidates to provide a short 5 minute presentation as to their suitability as a parish councillor, prior to resolving to co-opt the most suitable candidate at the Ordinary meeting.

NOTE: The council is aware of the need for confidentiality in part of the co-option process, it is therefore adhering to the recommendation of YLCA that the part where candidates speak to the meeting is not prejudicial to the public interest. However, where the 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, the council is advised to exclude members of the press and public. The councillors 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 voting part of the process is not prejudicial to the public interest and the public should be present for it.

- f. 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. If the council has more than two applicants for one vacancy it needs to ensure that the successful applicant receives not just a majority of the votes cast, but an **absolute majority**. The difference is that the person elected receives more votes than the others added together. Should there be 3 candidates or more, the candidate with the lowest number of votes will be eliminated and then voting recommences until a successful candidate is elected.
- g. The successful candidate will sign a Declaration of Acceptance of Office before he/she can act as a parish councillor (Form supplied by CYC Electoral Services)
- h. The clerk will provide the new councillor with a Council Induction Pack including the Behaviour & Respect Policy with the council's code of conduct

Approved: 17th August 2020

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