

KIRKBY FLEETHAM WITH FENCOTES PARISH COUNCIL

PROCEDURE FOR CO-OPTION OF A NEW COUNCILLOR

INTRODUCTION

1. This policy sets out the procedure to ensure there is compliance with legislation and continuity of procedures in the co-option of members to Kirkby Fleetham with Fencotes Parish Council. The co-option procedure is entirely managed by the Parish Council, and this policy will ensure that a fair and equitable process is carried out.

CO-OPTION

2. The co-option of a parish councillor occurs in two instances:
- a. When an ordinary vacancy has arisen on the Parish Council after the ordinary elections held every four years;
 - b. When a casual vacancy has arisen on the Parish Council and no poll (by-election) has been called.

ORDINARY VACANCY

3. An ordinary vacancy occurs when there are insufficient candidates to fill all the seats on the Parish Council at the ordinary elections held every four years. Any candidates who were nominated are automatically elected to the Parish Council and any remaining vacancies are known as "ordinary vacancies". Provided there are enough parish councillors to constitute a quorum, the Parish Council is usually able to co-opt a volunteer to fill the vacancies. In some cases, North Yorkshire Council may intervene and make an appointment or order an election to fill the vacancies.

CASUAL VACANCY

4. A casual vacancy occurs when:
- a. A councillor fails to make his declaration of acceptance of office at the proper time;
 - b. A councillor resigns;
 - c. A councillor dies;
 - d. A councillor becomes disqualified;
 - e. A councillor fails for six (6) months to attend meetings of a council committee or sub-committee.
5. The Parish Council has to notify the Electoral Services Team, North Yorkshire Council of a casual vacancy (elections@northyorks.gov.uk), then advertise the vacancy and give electors for the parish the opportunity to request an election. This occurs when ten (10) electors write to the Returning Officer of North Yorkshire Council stating that an election is requested. Except where the vacancy occurs within six months before the date when the councillor in question would have regularly retired (e.g. four days after the next ordinary election).

Returning Officer:

North Yorkshire Council, County Hall, Racecourse Lane, Northallerton, DL7 8A.

Email: elections@northyorks.gov.uk

6. Parishioners have fourteen days (not including weekends, bank holidays and other notable days), to claim the by-election, but the Electoral Services Office of North Yorkshire Council will advise the Clerk of the closing date. If on, or before, 14 days from the notice date, the Returning Officer receives 10 or more elector names, addresses and signatures requesting the vacancy is filled by an election, an election timetable and information regarding the nomination process will be prepared and sent to the Parish Clerk.

7. If an election is called, a polling station will be set up by North Yorkshire Council and the parishioners will be asked to go to the polls to vote for candidates who will have put themselves forward by way of a nomination paper. The Parish Council will pay the costs of the election.

8. If an election is called and there are more nominations than vacancies, an election will go ahead. If sufficient nominations to fill the vacancies are received, the person(s) nominated will be elected unopposed. If no/insufficient nominations are received another election date will be prepared. Electoral Services will liaise with the Parish Clerk after the deadline for nominations with further information.

9. Should the Returning Officer not receive a minimum of 10 electors requesting an election, an email will be sent to the Parish Clerk after the requisite period asking the Parish Council to fill the vacancy by co-option. The Parish Clerk should make arrangements for this and should then ensure that the requisite steps are taken in respect of the appointment.

CONFIRMATION OF CO-OPTION

10. On receipt of written confirmation from the Electoral Services Office that no by-election has been claimed, the casual vacancy can be filled by means of co-option. The Clerk will:

- a. Advertise the vacancy for four weeks or such other period as the Parish Council may agree on the Parish Council notice boards and website
- b. Advise North Yorkshire Council that the co-option policy has been instigated

11. Before exercising the power of co-option, the Parish Council does not have to give public notice of the vacancy or vacancies, although it may do so if it wishes. In practice, the giving of public notice is a sensible way to attract possible candidates for co-option.

12. This procedure will also apply in the case of an ordinary vacancy where the Electoral Services Office has confirmed that there were insufficient nominations to fill all the seats but there are sufficient parish councillors elected to constitute a quorum.

ELIGIBILITY OF CANDIDATES

13. The Parish Council is able to consider any person to fill a vacancy provided that:

- a. he/she is 18 or over; and
- b. he/she has the required citizenship under Section 79 of the Local Government Act 1972

14. and at least one of the following apply:

- a. he/she is an elector for the Parish and continues to be an elector; or
- b. has resided in the Parish for the past twelve months, or owned / tenanted any land or premises in the Parish; or
- c. has had his/her principal or only place of work in the Parish for the past twelve months; or

d. has lived within three miles of the Parish for the past twelve months.

15. There are certain disqualifications for being a parish councillor, of which the main are (see s80 of the Local Government Act 1972):

a. holding a paid office or employment under the Parish Council;

b. bankruptcy;

c. having been sentenced to a term of imprisonment (whether suspended or not) of not less than;

i. three months, without the option of a fine during the preceding five years;

or

ii. being disqualified under any enactment relating to corrupt or illegal electoral practices.

APPLICATIONS

16. Candidates will be requested to:

a. Submit information about themselves, by way of completing a short application form (a copy of the application form is attached as Appendix 1);

b. Confirm their eligibility for the position of parish councillor within the statutory rules (a copy of the eligibility form is attached as Appendix 2).

17. Following receipt of applications, the next suitable Parish 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'. Eligible candidates will be invited to attend the meeting.

18. Copies of the eligible candidates' applications will be circulated to all parish councillors by the Clerk at least 5 clear days prior to the meeting of the full Parish Council, when the co-option will be considered.

AT THE CO-OPTION MEETING

19. At the co-option meeting, candidates will be given five minutes maximum to introduce themselves to the parish councillors (members), give information on their background and experience and explain why they wish to become a member of the Parish Council. The process will be carried out in the public session and there will be no private discussions between members prior to a vote being taken.

20. As soon as all candidates have finished giving their submissions, the Parish Council will proceed to a vote with each candidate being proposed and seconded by the councillors in attendance and a vote by a show of hands (Local Government Act 1972, Sch. 12. Para 13). A recorded vote may be requested under Standing Orders so as to show whether each councillor present and voting, gave his/her vote for or against that question.

21. In order for a candidate to be co-opted to the Parish Council, it will be necessary for them to obtain an absolute majority of votes cast (50% + 1 of the votes available at the meeting). If there are more than two candidates for a vacancy and there is no candidate with an overall majority in the first round of voting the candidate with the least number of votes will drop out of the process.

22. Further rounds of voting will then take place with the process repeated until a candidate has an absolute majority. In the case of a draw, the Chairman will have the defining vote.

23. If present, a candidate who is co-opted will sign at the co-option meeting a Declaration of Acceptance of Office, including an undertaking to abide by the Parish Council's Code of Conduct,

and may take office thereafter. If not present, a co-opted candidate will sign the Declaration of Acceptance of Office either before or at the next meeting of the Parish Council.

24. The Clerk will notify the Monitoring Officer of North Yorkshire Council of the co-option of the new parish councillor.

25. The co-opted parish councillor will complete a Register of Members Interest form which the Clerk will lodge with the Monitoring Officer at North Yorkshire Council within 28 days of the acceptance of office.

26. If insufficient candidates are co-opted, the process should continue, whereby the vacancies are again advertised.

Appendices:

1. Co-option Application Form.
2. Co-option Eligibility Form.

Version:	1.0
Adoption Date:	September 2023
Author:	Councillor Jones
Reference:	Local Government Act 1972 NALC Legal Topic Note 8, Elections and Co-Options – June 2020. Co-option Eligibility Checklist, June 2022. YLCA Advice Note 27, Co-option Following a Casual Vacancy, Feb 2022. NALC Legal Briefing – Co-option, L15-08, Re-issue 7 May 2015. The Local Elections (Principle Areas) (England and Wales) Rules 2006
Reviewed By:	Full Council
Next Review Date:	September 2024

**KIRKBY FLEETHAM with FENCOTES PARISH COUNCIL
CO-OPTION APPLICATION FORM**

Name:	
Address:	
Telephone Number:	
Email Address:	
Are you over 18?	Yes / No

<p>Please detail any experience you may have that is relevant to Kirkby Fleetham with Fencotes Parish Council (if necessary, continue onto a separate sheet)</p>
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Is there any other information you would like to disclose regarding your application? (If necessary, please continue on a separate sheet).

Use of Personal Information

The Parish Council will use your information, including that which you provide on this application form, to assess your suitability to be a parish councillor.

Declaration & Consent

I have read the section entitled "Use of Personal Information" and by signing this form I consent to the use and disclosure of my information included in this application form.

I declare the information given on this form to be true and correct.

Signed: _____ Name: _____

Date: _____

Please complete and return this form, together with the completed Co-option Eligibility Form to the Parish Clerk.

**KIRKBY FLEETHAM with FENCOTES PARISH COUNCIL
CO-OPTION ELIGIBILITY FORM**

1. In order to be eligible for co-option as a Kirkby Fleetham with Fencotes Parish Councillor you must satisfy conditions (a) and (b) below and at least one of the options (c) – (f).

Please tick which apply to you:

- a) I am 18 years of age or over; and
- b) I am a British citizen or a qualifying citizen of the Commonwealth, or a citizen of the Republic of Ireland or a relevant citizen of the European Union
- c) I am registered as a local government elector for the parish; or
- d) I have, during the whole of the twelve months preceding the date of my application occupied, as owner or tenant, land or other premises in the parish; or
- e) My principal or only place of work during those twelve months has been in the parish; or
- f) I have during the whole of those twelve months resided in the parish or within 3 miles of it.

2. Please note that under Section 80 of the Local Government Act 1972 a person is disqualified from being a parish councillor if he/she:

- a. Is employed by the parish council or holds paid office (other than chairman, vice-chairman or deputy chairman) under the parish council (including joint boards) or;
- b. Is employed by an entity controlled by the parish council;
- c. Is the subject of a Bankruptcy Restrictions Order or an Interim Bankruptcy Restrictions Order or a debt relief restrictions order or an interim debt relief restrictions order; or
- d. Has within five years before the day of co-option, or since his/her co-option, been convicted in the UK, Channel Islands or Isle of Man of any offence and has been sentenced to imprisonment (whether suspended or not) for not less than three months without the option of a fine; or
- e. You are subject to the notification requirements of Part 2 of the Sexual Offences Act 2003 (this applies to persons subject to relevant notification requirements or an order made on or after 28 June 2022).
- f. Is otherwise disqualified under Part III of the Representation of the People Act 1983 (relating to corrupt or illegal electoral practices and offences relating to donations) or the Audit Commission Act 1998.

Use of Personal Information

The Parish Council will use the information provided on this form to assess your eligibility to be a parish councillor.