

# Marlingford and Colton Parish Council

## Co-option Policy

### 1. Background

1.1 The process for co-option is only partially prescribed in law but there is best practice advice and guidelines around certain aspects of the process. Items marked in bold are prescribed in law.

### 2. Scope and purpose

2.1 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.

### 3. When a vacancy arises

3.1 **A co-option vacancy arises when a member of the Council leaves, and the position is formally advertised for 14 days. At the end of this 14-day period if insufficient names have submitted a request to the District / Borough Council to call for an election (this is 10 names) then the Council can fill the vacancy by co-option.** (Refer Local Government Act 1972 s86 and 87(2)(b))

### 4. Applications

4.1 We aim to encourage applications from anyone in the parish who is eligible to stand. Councillors or parishioners can approach individuals to suggest that they might wish to consider putting their names forward for co-option. Co-option vacancies will be advertised on the council's website and on the noticeboards and in media releases. The advertisement for the co-option will include:

- a) Method by which applications can be made, this will be in writing to the clerk
- b) The closing date for applications
- c) Contact point for potential candidates to obtain more information – the clerk
- d) Advice that further information is available electronically via the website – a form to complete which includes a maximum of 100 words asking the candidate why they would like to be a councillor; name; address and other contact details.

4.2 When applications are received, the clerk will confirm eligibility. Any candidate found to be offering inducements will be disqualified.

## 5. Attendance following an application

5.1 All eligible candidates shall be invited by letter/email, to attend the next council meeting following the application deadline. They will be asked to confirm their attendance at the meeting.

5.2 In the event of candidates being unable to attend, this meeting will not be rearranged. All members receive copies of applications ahead of the meeting. Applications are to be treated as confidential. A candidate, on confirming that they will attend the meeting will be sent a copy of the agenda and agenda papers.

## 6. Commitment

6.1 The council is keen that potential candidates understand the commitment which is required from councillors. Anyone interested in standing will be encouraged to look at the website for more information on the role of being a councillor. Candidates will also be informed that they are expected to attend an Induction training event which may be held externally or in the parish.

## 7. The process of Co-option at the Council meeting

7.1 There is an early agenda item at which each candidate will be asked to make a brief verbal presentation on why they would like to be a councillor and the skills they can offer the council (3 minutes maximum per candidate). All of this, including the voting for the candidate will be in public. Candidates may be asked questions by members.

7.2 In the event of a candidate being unable to attend, his / her 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.

## 8. Voting

8.1 Only councillors present at the meeting may vote. There will be one vote per vacancy to be filled (Chairman may have a casting vote). **The successful candidate must receive an absolute majority of those present and voting** (Local Government Act 1972 Sch 12). If there are more than two candidates for one vacancy and no one of them at the first count receives a majority over the aggregate votes given to the rest, steps must be taken to strike off the candidate with the least number of votes and the remainder must then be put to the vote again. The process is to be repeated until an absolute majority is obtained.

8.2 The council may choose to vote openly as per their standing orders by show of hands. There could also be a call for a recorded vote, and if a ballot paper process is used, the clerk shall oversee the voting process, with a signed ballot paper from

each councillor present. The paper shall include the name of the candidate they are voting for and the signature of the councillor, otherwise the paper shall be declared invalid. The election process is as detailed in 8.1.

## **9. Any previous election**

9.1 The council does not consider preferential claims of candidates who were unsuccessful at previous elections. All candidates shall be considered equally, including any candidates who have been unsuccessful in the past.

## **10. Starting as a councillor**

10.1 The successful candidate(s) are asked to start as a councillor immediately after completing their declarations of acceptance of office. **The fact that the new member has not received a summons does not make his / her attendance as a councillor illegal** (Local Government Act 1972 Sch 12, para 10(3)).

10.2 If an absent candidate is successful, members must agree to him / her signing the declaration of acceptance of office before or at the very start of the next meeting.

10.3 New councillors will also be made aware of the fact that Interests Forms will need to be completed within 28 days of co-option.

## **11. Filling a Co-option vacancy**

11.1 The council must fill co-option vacancies as soon as practicably possible.

Date of adoption of this policy - July 2025

Date to be reviewed – July 2028