



# PARISH COUNCIL

## CO-OPTION POLICY

(Adopted 9<sup>th</sup> June 2025)

### 1. Introduction

- 1.1 Although the process for co-option to vacancies of local councils is not prescribed in law, NALC's Legal Briefing L15-08 (Original date of issue: July 2008 Re- issue: 7 May 2015) provides guidance.
- 1.2 Of paramount importance is that all applicants are treated alike so that arrangements are seen as open, fair and transparent. This policy sets out the process to be followed by Hullbridge Parish Council when co-option is under consideration.
- 1.3 Whenever the need for co-option arises, Hullbridge Parish Council will seek and encourage applications from anyone who is eligible to stand as a Parish Councillor. Councillors and parishioners can legally approach individuals to suggest they might wish to consider putting their names forward for co-option and encouraging them to register their expression of interest.
- 1.4 The Parish Council is not obliged to co-opt to fill any vacancy. Even if the Council invites applications for co-option, it is not obliged to select anyone from the candidates who apply.
- 1.5 Councillors elected by co-option are full members of the Parish Council.
- 1.6 Any candidate(s) found to be offering inducements of any kind or undue pressure to members or officers of the Parish Council will be disqualified.

### 2. Casual Vacancy

- 2.1 In the event of a casual vacancy being deemed to have occurred at Hullbridge Parish Council (\*see below for reasons for a casual vacancy occurring), the Clerk will declare that such a vacancy exists without recourse to a meeting of the Parish Council or Committee.
- 2.2 The Clerk will notify the Electoral Services Office at Rochford District Council (RDC) and will complete and publicly display a Notice of Vacancy. In the case of

a casual vacancy occurring due to death, the notice may be delayed for a respectful period.

- 2.3 If a casual vacancy arises within six months of the day when the Councillor whose office is declared vacant would ordinarily have retired, then no by-election may be demanded. As the Parish Council is permitted either to advertise the vacancy for co-option or to leave the office vacant until the date of the next ordinary election, the Parish Council will be asked at its next suitable meeting which option it wishes to pursue.
- 2.4 Should the requisite 10 electors of the Parish have not called a poll (by-election) within the legally specified time period (currently 14 working days) following the publication of the Notice of Vacancy, the Parish Clerk is notified by RDC that the vacancy(ies) may be filled by co-option. The Parish Council may then decide if they wish to proceed to co-opt within 28 days or wait for a period of up to 6 months before proceeding.
- 2.5 The Parish Clerk will place the Notice of Vacancy to be filled by co-option on Parish noticeboards and its website. The notice will also be displayed in other locations if instructed by the Council (i.e. in the Parish Council Newsletter).
- 2.6 The notice will include:
  - A contact point so that people considering putting their names forward for co-option can obtain more information on the role of a Parish Councillors.
  - Contact details for where expressions of interest should be made (usually the Clerk, via email or hard copy).
  - The closing date for all expressions of interest.

### **3. Application Process**

- 3.1 When expressions of interest have been received, the Clerk will provide all applicants with the Parish Council's Eligibility Form and Co-option Application Form (Appendix A) for completion and return. They will also receive the 'Person Specification' form (Appendix B) for information.
- 3.2 The Clerk will then consider completed forms to check that the individual(s) meets the qualification requirements and confirm that, if successful, they would be willing to accept the Code of Conduct and other obligations of a Parish Councillor.
- 3.3 Completed forms will be circulated to Parish Councillors at least three clear days prior to a meeting of Full Council where the co-option will be considered. All such documents will be treated by the Clerk and Councillors as strictly private and confidential.
- 3.4 Candidates will be informed the date of the meeting at which the Parish Council will hold the interview on the co-option. Notice of the Intention to co-opt should be given in the agenda for the meeting of the Parish Council.

#### **4. At the co-option Meeting**

- 4.1 If more than one candidate is being considered they will be interviewed one at a time, the other applicants will leave the meeting.
- 4.2 If there are more candidates than vacancies, Arnold Baker's "Local Council Administration" recommends that:
  - i) A successful candidate should have received an absolute majority vote of those present and voting. So, if there are more than two candidates for one vacancy and none of them at the first count has an overall majority, the candidate with the fewest votes should be eliminated and the remainder put to the vote again. The process should be repeated as necessary until one candidate has an overall majority.
  - ii) Each vacancy should be filled by a separate vote or series of votes. In a small council there is a distinct possibility that there could be a tie for last place in the first round of voting, leaving the candidate for elimination to be decided by lots.
  - iii) The Chairman has the casting vote.
- 4.3 Candidates will be invited to the meeting to introduce themselves and to provide Councillors the opportunity to ask questions of them. 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. However, where the Parish Council is discussing the merits of candidates and inevitably their personal attributes, this could be prejudicial and the Parish Council should resolve to exclude the members of the press and public.
- 4.4 Members will hold the post-interview discussion and vote at the end of the Agenda in an exempt session. This will enable the business of the meeting to continue on with public and press present until the final agenda item. The candidates will be invited to stay for the remainder of the meeting following their co-option interview until the final agenda item.
- 4.5 Vote on the acceptability of each candidate for co-option, should utilise the 'person specification' criteria set in Appendix B below and any personal statements requested from and provided by candidates. An absolute majority vote is required for each candidate from all members present and entitled to vote (LGA 1972 Sch. 2. Para 39).
- 4.6 Only Councillors present at the meeting may vote upon a person to fill the vacancy. Councillors will have one vote per vacancy to be filled.
- 4.7 If a candidate is a relative of a Councillor or has connections with any candidate which may be perceived as prejudicial, that Councillor should declare an interest and withdraw from the meeting. Under any of these circumstances a vote by the Councillor concerned is not allowed.
- 4.8 If there is more than one candidate attending Members will vote on the suitable candidates in alphabetical order.
- 4.9 Voting will be by a signed ballot.
- 4.10 The Council reserves the right not to make a co-option.

## **5. Formal ratification of co-option**

### **5.1 After the vote:**

- i) The Clerk will notify the candidates of the results by email (or telephone if the candidate does not have email), as soon as is reasonably possible (usually within 24 hours).
- ii) Successfully co-opted candidates become Councillors in their own right, with immediate effect, and are no different to any other member. The Clerk will initiate the completion and signing of the 'Declaration of Acceptance of Office' form which must be before their first meeting and the 'Register of Interests' Form within 28 calendar days of co-option. The successful candidate(s) will also confirm that they will comply with and abide by the Parish Council's Code of Conduct, as they had previously indicated on their Application Form. Should the new Councillor not comply with or breach the Code of Conduct, then the Monitoring Officer at RDC will be advised, who will then deal with the matter `.
- iii) On completion of the required Declaration & Register of Interest Forms the Clerk will notify RDC Member Services of the new Councillor appointment(s) and send a copy of the Registers for publication on the District Council website.

5.2 Assuming that the co-option position is filled, Council will formally ratify the appointment at the next Full Council meeting.

5.3 The successful candidate's term of office runs until the next quadrennial elections for the Parish Council.

5.4 If no one accepts the vacant post(s), the whole process is to be repeated when new individuals expressing interest are identified or until the next election.

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\* A casual vacancy is deemed to have occurred

- a) When a Councillor fails to make the Declaration of Acceptance of Office within the proper time;
- b) When a notice of resignation is received;
- c) On the day of his/her death;
- d) In the case of a disqualification under the Audit Commission Act 1998 or under the Local Government Act 2000, s79 or by virtue of a conviction on the day when either the time for appeal or application for relief expires, or such appeal or application is dismissed or abandoned;
- e) In the case of an election being declared void, upon the date of the report or certificate of the election court;
- f) Where a person ceases to be qualified, or becomes disqualified for any reason other than conviction or order, or is persistently absent from meetings, upon the date when the office is declared vacant by the High Court or council as the case may be.