

# KEGWORTH PARISH COUNCIL

## Co-Option Policy



<b>Approved by:</b>	Full Council	<b>Date:</b> 05/06/23
<b>Last reviewed:</b>	June 2023	
<b>Next review due:</b>	June 2026	

## **INTRODUCTION**

This policy sets out the procedure to ensure there is continuity of procedures in the co-option of members to Kegworth Parish Council. This policy will ensure that a fair and equitable process is carried out.

## **CO-OPTION**

The co-option of a parish councillor occurs in two instances:

- When an ordinary vacancy has arisen on the Parish Council after the ordinary elections held every four years
- When a casual vacancy has arisen on the Parish Council and no poll (by-election) has been called.

### **Ordinary Vacancy**

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 within 35 days of the election. In some cases, the District Council may intervene and make an appointment or order an election to fill the vacancies.

### **Casual Vacancy**

A casual vacancy occurs when:

- A councillor fails to make their declaration of acceptance of office at the proper time
- A councillor resigns
- A councillor dies
- A councillor becomes disqualified
- A councillor fails to attend meetings of a council, or committee for six consecutive months (unless they have a statutory excuse or reason for failure to attend is approved by the Council<sup>1</sup>)

The Parish Council has to notify North West Leicestershire District Council of a casual vacancy, advertise the vacancy and give electors the opportunity to request an election. This occurs when ten (10) electors write to the District Council stating that an election is requested.

If a by-election is called, a polling station will be set up by the District Council and people registered to vote 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. The people of the parish have fourteen days (not including weekends, bank holidays and other notable days), to claim the by-election, but the Electoral Services Office will advise the Clerk of the closing date.

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<sup>1</sup> Local Government Act 1972 s 85 (1)

If more than one candidate is then nominated a by-election takes place, but if only one candidate is put forward they are duly elected without a ballot.

If no by-election has been called, the Parish Council is able to co-opt a member.

### **CONFIRMATION OF CO-OPTION**

On receipt of written confirmation from the Electoral Services Office that no by-election has been called, the casual vacancy can be filled by means of co-option.

The Clerk will:

- Advertise the vacancy for four weeks or such other period as the Parish Council may agree on the Parish Council notice boards and website
- 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**

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

- They are 18 or over; and
- They a British citizen, a qualifying Commonwealth citizen or a citizen of any other member state of the European Union

and at least one of the following apply:

- They are an elector for the Parish and continues to be an elector; or
- They have resided in the Parish for the past twelve months or rented/tenanted land in the Parish; or
- Their principal or only place of work in the Parish for the past twelve months; or
- They have lived within three miles of the Parish for the past twelve months.

There are certain disqualifications for being a parish councillor<sup>2</sup>, some of which are listed below:

- Holding a paid office or employment under the Parish Council
- Being subject to a bankruptcy restriction order
- Having been sentenced to a term of imprisonment (whether suspended or not) of not less than three months, without the option of a fine during the preceding five years
- Being disqualified under any enactment relating to corrupt or illegal electoral practices.

### **APPLICATIONS**

Candidates will be requested to:

- Submit a short, written statement of information about themselves giving reasons for wanting to be a councillor - see Appendix A

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<sup>2</sup> Local Government Act 1972 S80

- Confirm their eligibility for the position of parish councillor within the statutory rules – see Appendix B
- Candidates will be invited to meet informally with councillors to discuss their statements
- Following receipt of applications, the next suitable Parish Council meeting will have an agenda item to consider the applications and to co-opt a candidate. Eligible candidates may attend the meeting if they wish
- Copies of the eligible candidates' applications will be circulated to all parish councillors by the Clerk at least 3 clear days prior to the meeting of the full Parish Council, when the co-option will be considered. All such documents will be treated by the Clerk and all parish councillors as strictly confidential

### **AT THE CO-OPTION MEETING**

At the meeting, Councillors will vote by a show of hands for their preferred candidate.

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. As per Standing Order 8a, if there are more than two candidates and there is no candidate with an absolute majority in the first round of voting, the candidate with the least number of votes will drop out of the process. Further rounds of voting will then take place with the process repeated until a candidate has an absolute majority.

The co-opted candidate will sign the Declaration of Acceptance of Office either at the meeting, or before the next Council meeting.

The Clerk will notify the District Council of the co-option of the new parish councillor.

The co-opted parish councillor will complete a Members' Interests Form which the Clerk will lodge with the Monitoring Officer at the District Council within 28 days of the co-option.

If insufficient candidates are co-opted, councillors will continue to actively seek to fill the vacancy/ies by advertising on the noticeboards and the Parish Council newsletter and website.

**APPENDIX A**

**KEGWORTH PARISH COUNCIL CO-OPTION FORM**

**Name:**

**Address:**

**Telephone Number:**

**Email Address:**

**Are you 18 or over? Yes / No**

**Please detail any experience you may have that is relevant to Kegworth Parish Council and your reasons for wanting to be a parish councillor below:**

**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 consent to the use and disclosure of the 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 Clerk, Kegworth Parish Council, 1 London Road, Kegworth, DE74 2EU  
Email: [clerk@kegworthparishcouncil.gov.uk](mailto:clerk@kegworthparishcouncil.gov.uk)

## APPENDIX B

### CONFIRMATION OF CO-OPTION ELIGIBILITY

In order to be eligible for co-option as a Kegworth parish councillor you must satisfy certain criteria.

You must satisfy (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 citizen of the Commonwealth or a citizen of any other member state of the European Union; and
- 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 co-option 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.

Please note that under Section 80 of the Local Government Act 1972 a person is disqualified from being a parish councillor if they:

- a) Are employed by the Parish Council or hold paid office (other than chairman, vice-chairman) under the Parish Council (including committees)
- b) Are employed by an entity controlled by the Parish Council
- c) Are 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) Have within five years before the day of co-option, or since their co-option, been convicted in the UK, Channel Islands or Isle of Man of any offence and been sentenced to imprisonment (whether suspended or not) for not less than three months without the option of a fine
- e) Are 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.

#### **Declaration & Consent:**

I confirm that I am eligible for the vacancy of Kegworth parish councillor and I am not disqualified from being a parish councillor. By signing this form I consent to the use and disclosure of my information included in this form.

SIGNED..... NAME.....  
DATE.....