



Co-Option of a Councillor Policy

1 PURPOSE AND SCOPE

This policy sets out the procedure to ensure Kingsbury Parish Council is compliant with current legislation and that the co-option procedure is managed by the Council ensuring a fair, transparent, and equitable process is performed.

Kingsbury 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 that they might wish to consider putting themselves forward for co-option and encouraging them to register their expression of interest with the Clerk through the correct channels.

2 LEGAL RESPONSIBILITY & POLICY SUPPORT

- Appendix A - [Representation of the People Act 1983](#)
- Appendix B - [Local Government Act 1972](#)
- Appendix C - [The Local Election \(Parishes and Communities \(England and Wales\) Rules 2006](#)

3 CO-OPTION OF A COUNCILLOR

Whenever the need for co-option arises, the 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. However, co-option allows for a democratic process to be observed enabling the council to fill any vacancies available. If the councillors deem the candidates not suitable during the interview process the council has the right not to co-opt any candidates. If the successful candidate is co-opted onto the Council, will be classed as a full council member with the same powers as those elected to the Council and will serve a term of office until the next quadrennial elections of the Parish Council.

The co-option of a Parish Councillor occurs in two instances:

- When an ordinary vacancy has arisen at the Parish Council after the ordinary elections have taken place.
- When a casual vacancy has arisen at the Parish Council due to a councillor resigning from office (see para 3.2 for other) mid-term and a by-election is not being called.

3.1 Ordinary Vacancy

Ordinary elections coincide with the election year of the principal council and must be held on the same day, and the interval between elections is four years. The election year and interval can be extended in the circumstances of a governance review of the principal authority or in extraordinary circumstances.

An ordinary vacancy only occurs after an ordinary election has taken place and when there are insufficient candidates to fill all seats on the council. Any candidates who were nominated are automatically elected to the Parish Council and any remaining vacancies are known as 'ordinary vacancies.' These vacancies must be

advertised and filled within 28 days of the ordinary election taking place. In these circumstances, individuals can be co-opted to fill a vacancy/vacancies at the discretion of the local authority (Parish Council), provided there are enough Parish Councillors to constitute a quorum. In some cases, North Warwickshire Borough Council may intervene and make an appointment or order an election to fill the vacancies.

3.2 **Casual Vacancy**

A casual vacancy occurs when an elected member ceases to be an elected member during the four-year term of office - between ordinary elections - as a result of one of the following:

- A councillor fails to make his Declaration of Acceptance of Office at the proper time.
- A councillor resigns in accordance with statutory requirements.
- A councillor passes away.
- A councillor becomes disqualified for reasons set out in Section 5.
- A councillor fails for six (6) months to attend meetings of the council, committee or sub-committee, or to attend as a representative of the council at a meeting of an external authority.
- In the case of an election being declared void.

3.3 The casual vacancy process commences when advertised by the principle local authority (North Warwickshire Borough Council), giving the Parish electors the opportunity to call a by-election (s39 Representation of the people Act 1983) to fill the vacancy. Section 87(2) of the Local Government Act 1972 requires a local authority (Parish Council) to give public notice of casual vacancies to ensure transparency and attract more candidates.

3.4 The Parish Council must notify North Warwickshire Borough Council (NWBC) as soon as practicably possible that a casual vacancy has occurred and in line with statute, advertise the vacancy permitting the electors for the ward the opportunity to claim an election. This occurs when ten or more electors write to North Warwickshire Borough Council stating their wish for an election to be held and have fourteen days (excluding Saturdays, Sundays, Christmas Eve, Christmas Day, Maundy Thursday, Good Friday, a bank holiday and any public thanksgiving or mourning period), to claim the by-election.

3.5 NWBC Electoral Services Team will advise the Parish Council's Clerk of the closing date for this period and if a by-election is called (Local Elections (Parishes and Communities) (England and Wales) Rules 2006), it will be conducted within 60 days of the 'notice of vacancy' in the same way as an ordinary election.

3.6 North Warwickshire Borough Council will arrange a polling station locally, whereby the people of the ward will be requested to vote for the candidates of their choice from those who have applied by way of a nomination paper, and if more than one candidate is nominated then the by-election takes place. However, if there are insufficient candidates, those who remain validly nominated are duly elected without a ballot.

3.7 This process is only relevant for casual vacancies, with all associated costs for the by-election being borne by the Parish Council, with the cost of which being determined by North Warwickshire Borough Council charged at a set amount per electorate.

3.8 If no by-election is claimed by the residents of the ward, within the fourteen-day period of the vacancy notice being posted, the Parish Council is able to co-opt individuals to fill the available casual vacancies.

3.9 The nomination qualifications required of an applicant for either an ordinary or casual vacancy are the same in accordance with S79 of the Local Government Act 1972.

4 CONFIRMATION OF CO-OPTION

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

- Advise North Warwickshire Borough Council that the co-option policy has been instigated.
- Advertise the vacancy for 28 days or such other period as the Parish Council may deem necessary, utilising the Parish Council notice boards website and social media platforms.

4.2 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 council seats but there are sufficient Parish Councillors elected to constitute a quorum.

5 ELIGIBILITY OF CANDIDATES

5.1 Pursuant to Local Government Act 1972 s79, the Parish Council is able to consider any person to fill a vacancy provided that:

- is 18 years or over; and
- is a British or citizen of the Commonwealth. You may also be eligible as a citizen of the European Union, however, now that the UK are no longer a part of the European Union, the criteria has changed. Please check on the [.gov.uk website](#).
- If an elector, has resided, worked, owned, or rented property in the locality or within 3 miles of the Parish boundary for 12 whole months on the day they are nominated as a candidate or on the day of the election. Such work need not be paid but must be 16 hours and must be the candidate's principal or only place of work.

5.2 Disqualification Criteria

The following criteria disqualifies you from standing or being re-nominated as a councillor:

- Work for the council you want to be a councillor for, you can work for another local authority as long as you are not in a politically restricted post.
- Are the subject of bankruptcy restrictions order or interim order.
- Have been sentenced to prison for three months or more (including suspended sentences) during the five years before election day.
- Have been convicted of a corrupt or illegal practice by an election court.
- Are subject to any relevant notification requirements, or a relevant order, in respect of a sexual offence.
- Have been convicted of failing to register or declare disclosable interests under the Localism Act 2011.
- Nominees have canvassed current council members

Please read the full eligibility criteria from the [Electoral Commission](#). If you are in any doubt about whether you are eligible to stand as a councillor, you should contact the Electoral Services or Democratic Services team at your local council or the Electoral Commission for advice.

6 APPLICATIONS

6.1 Candidates will be requested to:

- Where possible, attend at least one Parish Council meeting as an observer.
- Submit information about themselves, by way of completing an Application Form.

- Submit a personal statement explaining why they wish to become a Parish Councillor and serve the community or Parish of Kingsbury.
 - Confirm their eligibility for the position of Parish Councillor within the statutory rules.
- 6.2 Following the receipt of suitable applications, the co-option of a new councillor will be considered at the next available Full Council meeting, whereby the eligible candidates will be invited to attend. It is not mandatory for an applicant to attend the Council meeting where the co-option is being considered, as applicants can still be considered for the vacancy in their absence.
- 6.3 The meeting agenda will hold an item as follows: 'To receive written applications for the office of Parish Councillor and to co-opt a candidate to fill the existing vacancy', which will be the first order of business after the meeting opening procedures and resolutions have been administered.
- 6.4 Copies of the eligible candidates' applications will be circulated by the Clerk to the Council at least 3 clear days prior to the Full Council meeting taking place, whereby the co-option is being considered.
- 6.5 All such documents will be treated by the Clerk and all Parish Councillors **as strictly private and confidential and will not be shared with anyone outside of the council.**

7 MEETING CO-OPTION PROCESS

- 7.1 At the meeting where the co-option is taking place, candidates will be given five minutes maximum to introduce themselves to the Parish Councillors (members), providing information regarding their background, experience and skill set, and an explanation as to why they wish to become a member of Kingsbury Parish Council and answer any questions councillors may have.
- 7.2 The co-option process will be carried out during the public open meeting with members of the public present, with no private discussions between members prior to a vote being taken. However, should the Parish Council wish to discuss the merits of each candidate and their personal attributes, as this could be prejudicial, the council should resolve to exclude the members of the press and public from this section of the meeting.
- 7.3 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. Members must vote by a show of hands (LGA 1972 Sch. 12. Para 13) unless a secret ballot is necessary. A recorded vote may be requested so as to show whether each councillor present and voting, gave their vote for or against that motion.
- 7.4 Should a candidate be a relative of a Parish Councillor or have connections to them which could be seen as prejudicial, the council member must declare an interest and withdraw from the voting process.
- 7.5 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. If there are three candidates for one 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 and this process repeated with the remaining candidates until a candidate has an absolute majority. If several candidates have obtained the same number of least votes and the aggregate of the others is less than the normal quorum, i.e. not all 11 councillors are present and voting, The usual rules on voting apply provided that the meeting has a quorum (not less than 4 members), with the decision being made by a majority of those members who are present and voting. The person presiding over the meeting may also vote, and if there is an equality of votes they may exercise their casting vote.

Standing Orders Number:

Item 3 Subsection V states – no business may be transacted at a meeting unless at least one third of the whole number of members of the council are present and in no case should the quorum of a meeting be less than 3.

- 7.6 If there is more than one vacancy and the number of candidates equals the number of vacancies, all vacancies may be filled by co-option using a single composite resolution. However, if the number of candidates exceeds the number of vacancies available, each vacancy must be filled by a separate vote or series of votes using the method as stated above.
- 7.7 The usual rules on voting apply provided that the meeting has a quorum (not less than 6 members), with the decision being made by a majority of those members who are present and voting. The person presiding over the meeting may also vote, and if there is an equality of votes they may exercise their casting vote.

If present, the successful candidate who is co-opted will sign the 'Declaration of Acceptance of Office' form at the co-option meeting, including an undertaking to abide by the Parish Council's Code of Conduct, and may take office thereafter. If they are not present, a co-opted candidate will be notified in writing by the Clerk and requested to sign the 'Declaration of Acceptance of Office' form before the next meeting of the Parish Council.

- 7.8 The newly co-opted Parish Councillor must complete a Notification of Disclosable Pecuniary and Other Interests form, which the clerk will lodge with the Monitoring Officer at North Warwickshire Borough Council within 28 days of the co-option. The Clerk will also notify North Warwickshire Borough Council Electoral Services Team of the co-option of the new Parish Councillor.
- 7.9 In the instance where there are insufficient candidates for the vacancies available, the process of advertising the vacancies again should continue until all available vacancies are taken.

8 REVIEWS

This policy is reviewed every three years by the Policy and Procedure Group and submitted to the Full Council.

Adopted at the Parish Council Meeting on 20th February 2025 Minute number: 441

Revision Control

| Revision | Details of Change |
|----------|-------------------|
| Feb 25 | New |

APPENDIX A CO-OPTION ELIGIBILITY FORM

In order to be eligible for co-option as a Kingsbury Parish Councillor you must satisfy certain criteria.

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| 1. Are you a British subject, citizen of the Commonwealth or citizen of the European Union? YES/NO |
| 2. On the 'relevant date' (i.e., the day on which you are nominated or if there is a poll the day of the election) are you 18 years of age or over? YES/NO |
| 3. I am registered as a local government elector for the Parish of Kingsbury YES/NO |
| 4. 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 of Kingsbury YES/NO |
| 5. My principal or only place of work has, during the whole twelve months preceding my co- option, been in the Parish of Kingsbury YES/NO |
| 6. Have during the whole of twelve months preceding my co-option lived in the Parish of Kingsbury or within 3 miles of it. YES/NO |

Under Section 80 of the Local Government Act 1972 a person is disqualified from being elected as a Local Councillor or being a member of a Local Council if specific criteria are not met:

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| 1. Are you an employee of Kingsbury Parish Council? YES/NO |
| 2. Are you the subject of a bankruptcy restrictions order or interim order? YES/NO |
| 3. Have you within the last five years been convicted of an offence in the UK, Channel Islands or Isle of Man which resulted in a sentence of imprisonment (whether suspended or not) for a period of three months or more without the option of a fine; YES/NO |
| 4. Are you disqualified by order of a court from being a member of a local authority? YES/NO |

Use of Personal Information

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

I (**insert name here**) hereby confirm that I am eligible for the vacancy of Kingsbury Parish Councillor, and the information given on this form is a true and accurate record.

Signed:

Print:

Date:

APPENDIX B KINGSBURY PARISH COUNCIL CO-OPTION APPLICATION FORM NAME:

ADDRESS:

TELEPHONE NUMBER:

EMAIL ADDRESS:

1. Please tell us something about what experience you can bring to Kingsbury Parish Council, for example, previous local government experience, work in the voluntary or charitable sector, business or trade union experience (please continue on an additional page if required).

2. Please tell us something about skills you can bring to the Council, for example, professional qualifications, financial or project management expertise (please continue on an additional page if required).

3. Please explain why you are interested in becoming a Parish Councillor.

4. Please include any other information you would like to add in support of your application? (please continue on an additional page if required)

5. Are there any questions you would like to ask the Parish Council prior to the meeting to consider applicants? (please continue on an additional page if required)

Signed: Print: Date:

Please complete Appendix A & B and email kingsburypc@outlook.com or by post to:

The Parish Clerk, Latimer Crest, Hipsley Lane, Baxterley, Atherstone, CV9 2HS.