

Chinley, Buxworth and Brownside Parish Council

Co-option Policy

Adopted at Full Council on: 17 May 2023

Minute Reference: 23/05/26

Policy Review Date: May 2025

1 INTRODUCTION

- 1.1** The aim of this policy is to identify the situations when a vacancy arises that requires the Parish Council to act to fill it through co-option and then describes the subsequent process to be followed.
- 1.2** This policy has been written in line with guidance contained in National Association of Local Council's Legal Topic Note 8 (Elections and Co-option) dated 08 July 2022.

2 BACKGROUND

- 2.1** The Parish Council recognises that it will be more effective if all ten seats on the Council are filled.
- 2.2** The Parish Council understands it will benefit from having members that represent all geographical areas of the parish as well as with a wide range of skills, expertise and interests.
- 2.3** It is the Parish Council's intention to follow a process that will attract and encourage suitably qualified candidates to apply for co-option and one that will be open, fair and transparent.
- 2.4** The Parish Council may set criteria for candidates. Such skills and expertise may be taken into account when selecting a candidate to co-opt.
- 2.5** The Parish Council is not obliged to co-opt candidates to fill vacancies, even if there are less candidates than vacancies available.

3 VACANCIES

Vacancies may arise in a number of different situations. Described below are the situations where the Parish Council will play a role in filling such vacancies.

- 3.1** If an ordinary local council election is uncontested, the Parish Council may fill any vacancies by co-option. This power should be exercised within 35 days, excluding Dies Non, otherwise the principal authority may exercise its powers to hold a further election or take other appropriate action to fill the vacancies.
- 3.2** Should a casual vacancy arise, the Clerk will inform the Monitoring Officer at High Peak Borough Council in the first instance.
- 3.3** A Notice of Vacancy will be published on Parish Council noticeboards and website and a copy will be forwarded to the Monitoring Officer.
- 3.4** The Returning Officer will confirm 14 days after the date of publication of the Notice of Vacancy, excluding Dies Non, whether the Parish Council can proceed to fill the vacancy by co-option. If, however, an election is required this will be managed by High Peak Borough Council.

4 CO-OPTION PROCESS

Should it be necessary for the Parish Council to fill a vacancy by co-option, the following process will be followed:

- 4.1** Within 21 days of either the date of election (in the case of an uncontested election) or receiving notification from the Monitoring Officer that a casual vacancy may be filled by co-

option, the Clerk will place an advertisement announcing that a vacancy or vacancies may be filled by co-option and inviting applications from suitably qualified persons. This advertisement will be placed on the Parish Council's noticeboards and website.

- 4.2** Although the Parish Council does not have to give public notice of the vacancy or vacancies, it is deemed appropriate in order to attract possible candidates for co-option.
- 4.3** The advertisement should be published for a minimum of 14 days to ensure as many people as possible see it and have the opportunity to apply.
- 4.4** The advertisement will contain the following information:
- 4.4.1 Number of vacancies available
 - 4.4.2 Application requirements which might include, for example, a summary of why the candidate is interested in becoming a parish councillor, what skills, expertise and interests the candidate can bring to the role and what they hope to achieve in the role if co-opted
 - 4.4.3 Deadline for applications (which should be one day prior to the meeting at which the co-option will be considered)
 - 4.4.4 Date of meeting at which the co-option will take place
 - 4.4.5 It is allowable to request preferred criteria in candidates in any advertisement. However, it must be made clear that people without those skills are still eligible to apply
 - 4.4.6 Indicate that there are eligibility criteria that need to be met to stand as a Councillor
- 4.5** After the deadline has passed, copies of all application letters and emails will be forwarded to the current members (councillors) of Chinley, Buxworth & Brownside Parish Council.
- 4.6** The co-option will then be considered under an agenda item at the next meeting of the Parish Council. Once an application has been made, the applicant will be invited to attend the meeting where the co-option will be considered and given the opportunity to make a short address to the Parish Council of no more than three minutes to describe why they wish to be considered for the position. Candidates will be invited to speak in the order in which their written applications were received. Time will also be allocated for members to ask questions of candidates.
- 4.7** Should a candidate be unable to attend the meeting where the co-option will be considered, the Clerk for the meeting will read out the candidate's application letter or email to the meeting at the appropriate time for consideration alongside all other applications.
- 4.8** If there are the same number of candidates or less than the number of vacancies, councillors will consider each candidate for co-option in the order in which their applications were received. Councillors present will be asked if they agree to the co-option which will be decided by a show of hands.
- 4.9** If more candidates apply than vacancies, councillors present at the meeting will be asked to vote for their preferred candidate by show of hands at the meeting. Depending upon vacancies available, this will be repeated until all seats are filled. If there is no absolute majority of votes in their favour, the candidate with the least number of votes will be removed from the list and a new vote taken. This process shall continue until a majority of votes is given in favour of one person. In the case of an equality of votes, the Chairman of the meeting has a second or casting vote.
- 4.10** Candidates who are co-opted will be required to sign a Declaration of Acceptance of Office form after the meeting, witnessed by the Proper Officer of the Council (the Parish Clerk). The candidate must also declare that they meet the relevant eligibility criteria. Once these forms

have been signed the candidate is confirmed as a Councillor. The Register of Interests must be completed within 28 days and the Clerk will forward a copy to the Monitoring Officer at High Peak Borough Council.

5 QUALIFICATION

5.1 A person is eligible to be co-opted provided they are qualified to be a councillor, as per section 79 of the Local Government Act 1972, and are not disqualified by section 80 of the 1972 Act.

5.2 An up-to-date summary of the eligibility criteria is available as a separate document titled 'Qualifications for election and holding office as a councillor' and is in line with relevant legislation.

6 REVIEW

6.1 This policy will be subject to a biennial review unless legislative or other changes require otherwise.