SEAMER PARISH COUNCIL

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CO-OPTION POLICY

Adopted by the Council under delegation on 13 September 2022 following a Meeting of Council Members and consultation with the Chairman and Vice-Chairman under Standing Order 15(xvii)

Amended at paragraph 1.1 and Appendix A on 14 July 2026

1. Introduction

1.1. Although the process for co-option to vacancies of local councils is not prescribed in law, the National Association of Local Councils (NALC)'s Legal Topic Note 8 | Elections and Co-option of June 2020, re-issued February 2022 provides guidance.

1.2. Of paramount importance is that all applicants are treated alike so that arrangements are seen to be open, fair and transparent. This policy sets out the process to be followed by Seamer Parish Council when co-option is under consideration.

1.3. Whenever the need for co-option arises, Seamer Parish Council will seek and encourage applications from anyone who is eligible to stand as a Parish Councillor (see section 3). Councillors and parishioners can legally approach individuals to suggest they might wish to consider putting their names forward for co-option and encourage 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. Any candidate(s) found to be offering inducements or any kind of undue pressure will be disqualified.

1.6. However, it is not desirable that electors of the Parish be left partially or unrepresented for a significant length of time; neither does it contribute to the effective and efficient working of the Parish Council if there are insufficient Councillors to share the workload equitably, provide a broad cross-section of skills and interests, or to achieve meeting quorums without difficulty, given that some absence is unavoidable at times. However, this must not be used as an excuse to co-opt and the vacancy will remain an agenda item until filled.

1.7. Councillors elected by co-option are full members of the Parish Council.

2. Co-option Process – Ordinary Vacancy

2.1. If an insufficient number of candidates is validly nominated at an ordinary election to fill the vacancies on the Council, those who have been validly nominated are automatically elected as Councillors. Provided that those elected constitute at least a quorum (three or one third of the total number of councillors, whichever is the greater), the Council (ie those elected unopposed and entitled to take up their seat 4 days after the date on which the election was held) may co-opt any person or persons to fill the vacancies

within 35 working days of the date on which the election was held. Before exercising the power of co-option, the Council does not have to but will give public notice of a vacancy.

2.2. In calculating the 35 working days, Saturdays, Sundays, Christmas Eve, Christmas Day, Good Friday, a Bank Holiday and a day appointed for public thanksgiving or mourning are excluded. If the power of co-option is not exercised by the Council within 35 working days of the election, the principal authority may then exercise its powers to hold a further election or to take other appropriate action to fill the vacancies.

3. Co-option Process – Casual Vacancy

3.1. In the event of a vacancy occurring due to the resignation, death or ineligibility of a Councillor, the Clerk will immediately inform the Electoral Services at the principal authority and supply them with a copy of the requisite Notice of Vacancy for posting.

3.2. Should the requisite 10 electors of the Parish have not called for a poll (by-election) within the legally specified time period (currently 14 days) following the publication of the Notice of Vacancy, the Parish Clerk receives written notification by the principal authority that the vacancy(ies) may be filled by co-option.

4. Notice of Vacancy to be filled by Co-option

4.1. The Clerk will then place a notice announcing that the vacancy(ies) can be filled by co-option and invite expressions of interest. Where vacancies exist in more than one Ward, separate notices are required for each Ward. Notice will be placed on the noticeboards and on the Parish Councils website and may be published by other means and will include the clerk's contact details so that people considering putting their names forward for co-option can obtain more information on the role of a parish councillor, and where expressions of interest should be made.

5. Qualifications / Disqualifications

5.1. Upon receipt of applications, the clerk must check (as far as reasonably possible) that candidates are eligible in accordance with Section 79, Local Government Act 1972:

a. be 18 years old or over; and

b. be an elector for the parish; or

c. for the past twelve months have:

   i. resided in the parish; or

   ii. rented/tenanted land in the parish; or

   iii. had his/her principal place of work in the parish; or

   iv. lived within three miles (direct) of the parish; and

d. There are certain disqualifications for being elected or being a member (see Sections 80 and 81A, Local Government Act 1972), of which the main are:

   i. holding a paid office under the local authority;

   ii. being the subject of restrictions relating to bankruptcy or debt relief;

   iii. being disqualified under any enactment relating to corrupt or illegal practices;

iv. 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 five years preceding the election; and

v. being subject to any relevant notification requirements or order relating to sexual offences etc made on or after 28 June 2022.

6. Application Process:

6.1. When expressions of interest are received, the Clerk will provide all applicants with the Parish Council's Application for Co-option form (*Appendix A*) and Eligibility for Co-option form (*Appendix B*), which will also be available to download from the Council's website.

6.2. All candidates are asked to complete the Application for Co-option form (*Appendix A*), to be published and circulated to all Parish Councillors with the agenda packs prior to a full meeting of the Council where the co-option is to be considered, and the Eligibility for Co-option form (*Appendix B*), which is for the attention of the Clerk only.

6.3. Co-option Candidates will be informed of the date of the meeting at which the Parish Council will make its decision based on the application form submitted. Notice of the intention to consider co-option will be included on the agenda as a separate item at a Parish Council meeting.

6.4. Candidates will be invited to the meeting to introduce themselves and speak in support of their application. It will also provide Councillors with the opportunity to seek, through the Chairman, clarification on submissions within the application form that they are not sure of, or the Council may decide to rely on the written submissions alone.

6.5. Under Section 1(2) of the Public Bodies (Admission to Meetings) Act 1960, the Council shall exclude the public from the meeting and no person may report on the meeting whilst the Council discusses the suitability of any candidate and formulates any questions to be put to them, on the grounds that publicity would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted, relating to any individual.

6.6. 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.

6.7. 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.

6.8. The Parish Council will appoint co-opted members by an absolute majority vote.

6.9. If there are exactly as many as, or fewer candidates than vacancies, the Parish Council may vote on a composite motion, duly proposed and seconded, that all candidates be co-opted.

6.10. If there are more candidates than vacancies, it will be necessary for existing Councillors present at the meeting to vote on separate motions. Where more than two persons have been nominated for a position to be filled by the Council and none of those persons has

received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. A tie in votes may be settled by the casting vote exercisable by the chairman of the meeting.

6.11. After the vote:

a. Any Candidates that are not present at the meeting, will be notified of the results by the Clerk, as soon as is reasonably possible (usually within 24 hours).

b. Successfully co-opted candidates become Councillors in their own right, with immediate effect, and are no different to any other member.

c. The Declaration of Acceptance of Office must be signed before acting as a Councillor, at the meeting at which elected/co-opted or the next, unless resolved at one of those meetings for it to be done at a later meeting.

d. The Registration of Interests Form must be submitted within 28 days of being elected/co-opted.

e. 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 Declaration of Acceptance. Should the new Councillor not comply with or breach the Code of Conduct, then the Monitoring Officer at the principal authority will be advised, who will then deal with the matter.

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

Signed: Chairman of the Council

Clerk of the Council and Responsible Financial Officer

Proper Officer

Date: 29 July 2026