

# **AKELEY PARISH COUNCIL**

## **Co-Option Policy**

Adopted by the Council at its meeting held in 13 July 2020. Confirmed 17<sup>th</sup> May 2021

This Co-Option Policy is procedure is based on NALC Legal Briefing L15-08 – Good practice for selection of candidates for co-option to local Councils.

**1. A casual vacancy can occur for a number of reasons:**

To be valid, a resignation from the council must be made to the chairman in writing with a 'wet signature' (this means in ink rather than electronically generated and must be in hard copy).

When the chairman resigns, s/he follows the same procedure but serves the resignation on the clerk.

If a member fails to attend any meeting of the council for 6 months, without a reason for absence being formally accepted by the council, s/he automatically ceases to be a member of the council.

If a member dies, a casual vacancy occurs.

There are other circumstances which can cause a casual vacancy, but these are less common.

**2. The parish council must give public notice of the casual vacancy** as soon as practicable after it is deemed to have occurred (in accordance with s232 of the 1972 Local Government Act). This is effected by giving notice in conspicuous place(s) in the area and in any such other manner, if any, as appears to the council to be desirable for giving publicity.

**3. A notice of casual vacancy** allows for 10 people on the electoral register to request, in writing to the proper officer of the principal authority, that an election be held. Should this happen, a by-election must be held (unless an ordinary election is due within the next six months).

**4. If no request to hold a by-election is forthcoming**, parish councils are permitted to exercise the power to co-opt a person on to the council to fill a casual vacancy. Although seeking 'expressions of interest' is not a legal requirement, the National Association of Local Councils (NALC) recommends that Councils always give public notice of vacancies because this makes the process of co-option open and transparent and should attract more potential candidates.

**5. Whenever the need for co-option arises**, the Parish Council will advertise the vacancy to seek and encourage 'expressions of interest' by a specified date from anyone in the parish who is eligible to stand as a parish councillor. All potential candidates will be requested to put their request for consideration in writing with the following additional information:

a) Reason for wishing to be Councillor

b) Relevant Community/Council work

c) Other skills they can bring to the Council. It will be made clear that becoming a member of the parish council requires that a means of contact by telephone and/or email will be published in the public domain.

**6. At the next Closed Full Council Meeting the candidates will be invited to attend:**

a) The clerk to confirm that each candidate is qualified to become a Councillor and is not disqualified from being a Councillor as set out in the Local Government Act 1972 s79 and s80

- b) Chairman to invite candidates an opportunity to speak and to allow members the chance to ask questions of the candidates.
  - c) The chairman will offer opportunity for debate on the order of priority to offer co-option to the candidates. In most cases, the candidates will be asked to leave the room while this process takes place.
  - d) The meeting will vote on the acceptability of each candidate for co-option. An absolute majority vote is required for each candidate from all members present and entitled to vote (LGA 1972 Sch. 12. Para 39). One person will be chosen for each vacancy.
1. If present, the co-opted members may join the meeting, the Clerk will initiate 'acceptance of Office' paperwork and advise the co-opted member of her/his obligations with regard to registration of interests.
  2. The Clerk will notify Electoral Services of the new councillor appointment.
  3. 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.
  4. The same process will be used to co-opt members following an ordinary election after which vacancies remained.
  5. The same process will be used to co-opt non-councillor members to committees.