

HASLINGFIELD PARISH COUNCIL

CO-OPTION PROCEDURE POLICY

Introduction

1. This policy sets out the procedure to ensure there is compliance with legislation and continuity of procedures in the co-option of members to Haslingfield Parish Council (HPC). The Co-option procedure is entirely managed by HPC and the objective of this policy is to ensure a fair and equitable process is implemented.

Councillor Vacancies

2. Vacancies Arising on the Parish Council following an Ordinary Election
 - a. The Local Government Act (LGA) 1972 Sch 12 para 12 provides that three or one-third of the total number of Parish Councillors, whichever is the greater, is necessary for a meeting to have a quorum. As HPC has eleven seats, the quorum for HPC is four.
 - b. Where insufficient members are elected at an ordinary election and the Parish Council has a quorum, the Parish Council can, until the date of the next ordinary election, co-opt persons to fill those vacancies without the necessity of a public notice of the vacancy. In this circumstance, notification of the vacancies to the District Council is not required.
 - c. Where insufficient members are elected at an ordinary election and the Parish Council has insufficient members for a quorum, the Parish Clerk should then advise South Cambridgeshire District Council (SCDC). In these circumstances, SCDC may (by order) appoint persons to fill all or any of the vacancies until other Councillors are elected and take up office. SCDC can also advise the Parish Clerk as to the steps that will need to be taken in order to fill the vacancies.
3. Vacancies Arising on the Parish Council at Other Times – Casual Vacancies
 - a. A casual vacancy for a Parish Councillor position occurs when (LGA 1972 s87):
 - A councillor fails to make their declaration of acceptance of office within the statutory time limit; *or*
 - A councillor resigns; *or*
 - A councillor dies; *or*
 - A councillor becomes disqualified (by virtue of a conviction, or committing an offence as specified in the legislation); *or*

- A councillor fails to attend meetings of the Council for six consecutive months.
- b. When such a situation arises, the Parish Council is required to notify SCDC of a casual vacancy and to publish a public notice of the vacancy, which allows electors the opportunity to request an election.
 - c. A by-election occurs if ten electors write to SCDC within fourteen days – not included weekends, bank holidays and other notable days - of the date of the notice, stating that an election is requested.
 - d. If a by-election is called and more than one candidate is nominated, a polling station will be set up by SCDC and the people of the parish 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.
 - e. If a by-election is called and only one candidate is nominated, that candidate is duly elected without a ballot.
 - f. If ten residents do not request a ballot within the fourteen days of the date of the vacancy notice, the Parish Council must co-opt a person to fill the vacancy as soon as practicable.
4. Casual Vacancies Arising within Six Months of an Election
 - a. Where a casual vacancy for a Parish Councillor occurs within six months before the day of the next ordinary election, an election cannot be requested. The Parish Council, after the expiry of the period of fourteen days after the date of public notice of the vacancy, may co-opt a person to fill the vacancy.
 - b. Casual vacancies that occur before the six month period are not affected by the six month rule in any way.
 5. Confirmation of Co-option
 - a. On receipt of written confirmation from the Electoral Services Office of SCDC, the casual vacancy may be filled by means of co-option. The Parish Clerk will:
 - advertise the vacancy for four weeks on the Council notice boards and website, and
 - advise the Parish Council and its members that the co-option procedure will be instigated.
 - b. The Parish Council is not obliged to vote in any applicant. Even if the Parish Council invites applications for co-option, it is not obliged to select anyone from the candidates who apply, should they be considered not suitable.
 - c. Councillors elected by co-option are full members of Haslingfield

Parish Council.

Eligibility

6. A person is eligible to be co-opted provided they are qualified to be a Councillor pursuant to LGA 1972 s79 and are not disqualified from being a member pursuant to LGA 1972 s80.
7. HPC is able to consider any person to fill a vacancy provided that they:
 - a. are over eighteen (18) years of age; *and*
 - b. are a British citizen, a citizen of Ireland, a qualifying Commonwealth citizen (that is, not requiring leave to remain in the UK or having indefinite leave to remain within the UK), or a citizen of any member state of the European Union; *and*
 - c. meet at least one of the following four criteria:
 - are registered to vote in Haslingfield, via the registration on the register of electors; *or*
 - has occupied as owner or tenant land or premises within the parish boundaries during the whole of the preceding twelve months; *or*
 - has worked in the parish as their principal or only place of work during that twelve months; *or*
 - has lived within the parish or within three miles of the parish boundary.
8. A person is *disqualified* from being elected as or being a Parish Councillor if they:
 - a. have within 5 years before the day of election, or since their election, been convicted in the U.K., Channel Islands or Isle of Man of any offence and has been sentenced to imprisonment (whether suspended or not) for not less than 3 months without the option of a fine; *or*
 - b. are the subject of a bankruptcy restrictions order, or an interim bankruptcy restrictions order, or a debt relief restrictions order or interim debt relief restrictions order under Schedule 4ZB of the Insolvency Act 1986; *or*
 - c. are an employee of the Parish Council; *or*
 - d. otherwise disqualified under Part 3 of the Representation of the People Act 1983 for corrupt or illegal practices, or under the Audit Commission Act 1998 consequent upon audit proceedings.
 - e. As from 28 June 2022, certain sex offenders are disqualified under the Local Government (Disqualification) Act 2022.
9. Candidates found to be offering inducements of any kind will be

disqualified.

Applications

10. Members may point out the vacancies and the process to any qualifying candidate.
11. Although there is no Statutory Requirement to do so, candidates will be requested to:
 - a. submit information about themselves, by way of completing a short application form, and
 - b. confirm their eligibility for the position of Councillor with the statutory rules.
12. Following receipt of applications, the next suitable Parish Council meeting will have an agenda item 'To receive written applications for the office of Parish Councillor and to co-opt (a) candidate(s) to fill the existing vacancy(ies)'. Eligible candidates will be invited to attend the meeting.
13. Copies of the candidates' applications will be circulated by the Clerk to all Councillors with the meeting papers prior to the meeting of the Council when the co-option is to be considered. All such documents will be treated by the Clerk and all Councillors as Strictly Private and Confidential.
14. Candidates will be sent a full agenda of the meeting at which they are to be considered for appointment, together with an electronic copy of the Council's Code of Conduct, Standing Orders and Financial Regulations. Candidates will also be informed that they will be invited to speak about their application at the meeting.

At the Co-option Meeting

15. Haslingfield Parish Council is never obliged to fill any Councillor vacancy. Even if the Council invites applications for co-option, it is not obliged to select anyone from the candidates who apply and can also decide to fill a selection of the seats available even if there are more candidates who have nominated themselves.
16. All candidates will be asked (and be recommended) to attend the meeting at which co-option is to take place to present themselves to the Council. Each candidate will be given a maximum of three minutes to introduce themselves to members, give information on their background and experience and explain why they wish to become a member of Haslingfield Parish Council.
17. Councillors will have the opportunity to ask questions of the candidates.
18. In a closed session of the Parish Council without the public present, members will consider the candidates and, following the discussion, the

public are invited back into the meeting before the voting takes place.

19. Voting will take place by show of hand (HPC Standing Orders 3(r)).
20. One candidate needs to receive an absolute majority of votes (LGA 1972 Sch 12 para 39). An absolute majority means that the chosen candidate must receive more votes than the total of votes for all other candidates together.
21. If there are more than two candidates for a vacancy and no single candidate receives an overall majority in the first round of voting, the candidate with the least number of votes will then be removed. Further rounds of voting will then take place with the process repeated until a candidate receives the required majority.
22. In the case of an equality of votes, the Chairman of the meeting has a second or casting vote.
23. In circumstances where there are candidates for more than one councillor vacancy, each vacancy will be considered and voted on separately.
24. After the vote has been concluded, the Chairman of the meeting will declare the successful candidate duly elected.
25. After the completion of the co-option procedure, the successful candidate(s) will be invited to sign their Declaration of Acceptance and may take their seat with immediate effect.
26. The Clerk will notify Electoral Services of the new Councillor appointment(s). The successful candidate(s) must complete the 'Registration of Interests' within the required twenty-eight day period after being elected. The form should be handed to the Clerk for forwarding to the Monitoring Officer.
27. If insufficient candidates come forward for co-option, the process should continue, whereby the vacancy/ies are again advertised.

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