

Hirst Courtney & West Bank Parish Council

Co-option to Vacancies Policy

1. Introduction

- 1.1. Although the process for Co-option to Vacancies of local Councils is not prescribed in law, NALC's Legal Topic Notes 8: Elections and Co-option (June 2020) provides guidance.
- 1.2. Of paramount importance is that all applicants are treated alike so that arrangements are open, fair, and transparent. This Policy sets out the process to be followed by Hirst Courtney & West Bank Parish Council (the Council), when co-option is under consideration.
- 1.3. Whenever the need for co-option arises, the Council will seek and encourage applications from anyone who is eligible to stand as Parish Councillor. Councillors and Parishioners can legally approach individuals to suggest they might wish to consider putting their names forward for co-option and encouraging them to register their expression of interest.
- 1.4. Any candidate(s) found to be offering inducements of any kind or undue pressure will be disqualified.
- 1.5. It is not desirable that electors of the Parish be left partially or unrepresented for a significant length of time. It does not contribute to the effective and efficient working of the Council if there are insufficient Councillors to share the workload equitably, provide a broad cross-section of skills and interest, or to achieve meeting quorums without difficulty, given that some absence is unavoidable at times.
- 1.6. Councillors elected by co-option are full members of the Council.

2. Process

- 2.1. In the event of a vacancy occurring due to resignation, death, or ineligibility, the clerk will immediately inform Democratic Services at North Yorkshire Council (NYC), who will then supply the requisite Notice of Vacancy for posting.
- 2.2. Should the requisite 10 electors of the Parish have not called for a poll (by-election) within the specified tie period (currently 14 days) following the publication of the Notice of Vacancy, the clerk is notified by NYC that the vacancy may be filled by co-option. The Council may then decide if they wish to co-opt within 28 days or wait for a period of up to 6 months before proceeding.
- 2.3. The Council will place the Notice of Vacancy supplied by Democratic Services on the noticeboards and the website.
- 2.4. On receipt of written notification from Democratic Services at NYC that a casual vacancy can be filled by means of co-option, and on instruction from the Council, the clerk will

place a notice announcing that the vacancy to be filled by co-option, including a deadline for application, and ask for Expressions of Interest.

The notice will include: -

- A contact point so that people considering putting their name forward for co-option can obtain more information on the role of Councillor.
- Contact details to where Expressions of Interest should be made (usually the clerk, via email, or hard copy).
- The closing date for all Expressions of Interest.

3. Application Process

- 3.1. When Expressions of Interest have been received, the clerk will provide all applicants with the Council's Co-option Application and Eligibility form for completion and return.
- 3.2. The clerk will then consider completed forms to check that the individual meets the qualification requirements, and confirm that, if successful, they would be willing to accept the Code of Conduct and other obligations of being a Parish Councillor.
- 3.3. All candidates will be asked to complete the Council's Applicant Experience form. Completed forms will be circulated to existing Councillors at least seven days prior to a full meeting of the Council where the co-option will be considered. All such documents will be treated by the clerk and Councillors as strictly private and confidential.
- 3.4. Candidates will be informed of the date of the meeting at which the Council will make its decision on the co-option. Notice of the Intention to Co-opt should be noted in the agenda and Minutes for the meeting of the Council.
- 3.5. Candidates may be invited to the meeting to introduce themselves and to provide the Council the opportunity to ask questions, or the Council may decide to rely on the written submissions alone. If candidate/s are not invited to speak at the co-option meeting, they are welcome to (but not required to) attend as members of the public. The Council may only discuss each candidate's suitability for the role, when he/she and members of the public are not present.
- 3.6. 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.
- 3.7. 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.
- 3.8. The Council will appoint co-opted members by voting according to Standing Orders.
- 3.9. Where the number of candidates is less than or equal to the number of vacancies, the candidates shall be appointed to the Council if they meet the s.79 eligibility criteria, and they are not disqualified under s.80.

3.10. If there are exactly as many as, or fewer candidates than vacancies, the Council may vote on a composite motion, duly proposed and seconded, that all candidates be co-opted. If there are more candidates than vacancies, it will be necessary for existing Councillors present at the meeting to vote.

3.11. Voting will be a by a show of hands. Members of the public and the press should be invited to return to the meeting for the voting.

3.12. If there are more candidates than vacancies, Arnold Baker's 'Local Council Administration' and NALC guidance recommends that: -

- A successful candidate should have received an absolute majority vote of those present and voting. So, if there are more than two candidates for one vacancy and none of them at the first count has an overall majority, the candidate with the fewest votes should be eliminated and the remainder put to the vote again. The process should be repeated as necessary until one candidate has an overall majority.
- Each vacancy should be filled by a separate vote or series of votes. In a Smaller Local Authority Council there is a distinct possibility that there could be a tie for last place in the first round of voting, leaving the candidate for elimination to be decided by lots.
- The Chair has the casting vote.

3.13. After the vote: -

3.13.1. The clerk will notify the candidates of the results by email, as soon as is reasonably possible (usually within 24 hours)

3.13.2. Successfully co-opted candidates become Councillors in their own right, with immediate effect, and are no different to any other member. As such, they must sign the Declaration of Acceptance of Office and Register of Interests Form at their first meeting or within 28 calendar days of election whichever is the sooner. The successful candidate(s) will also confirm that they comply with and abide by the Council's Code of Conduct, as they had previously indicated on their Application and Eligibility Form. Should the new Councillor not comply with the Code of Conduct, then the Monitoring Officer at NYC will be advised, who will then deal with the matter.

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