COmbe hay parish Council

BATHAVON SOUTH WARD, BATH & NORTH-EAST SOMERSET

**[www.combehaypc.org.uk](http://www.combehaypc.org.uk)**

**Co-option Policy**

Reviewed and Approved: 4 October 2022

Minute: 22.075 (a)

### Introduction

* 1. This policy is based on NALC Legal Briefing L15-08 – Good Practice for the Selection of Candidates for Co-option to Local Councils. Parish Councils are permitted to exercise the power to co-opt a person on to the Council to fill a casual vacancy when the requirements to hold an election have not been met (i.e. the vacancy has been the subject of a public notice and less than 10 registered electors have requested an election by a deadline date specified by Bath and North East Somerset Electoral Officer).

### Casual Vacancy

* 1. According to section 87 of the Act 1972 , the casual vacancy occurs when:
     + a councillor fails to make his declaration of acceptance of office at the proper time;
     + a councillor resigns;
     + a councillor dies;
     + a councillor becomes disqualified; or
     + a councillor fails to attend meeting for six consequative months.

### Co-option.

### 3.1 If no by-election is called, the council must as soon as practicable publish the Notice of Vacancy on the village noticeboard and the website. The Notice will give residents 3 weeks to apply.

### Eligibility of Candidates

* 1. The parish council can consider any person to fill a vacancy provided that:
     + he/she is an elector for the parish; or
     + has resided in the parish for the past twelve months or rented/tenanted land in the parish; or
     + had his/her principal place of work in the parish; or
     + has lived within three miles (direct) of the parish.
  2. There are certain disqualifications for election, as follows:
     + bankruptcy;
     + 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;
     + being disqualified by order of a court from being a member of a local authority
     + being disqualified under any enactment relation to corrupt or illegal practice.
  3. Eligibility of the candidates will be confirmed at Full Council by the Clerk, as per the Local Government Act 1972, s79 and s80.
  4. All eligible candidates will be invited to attend a meeting of the Full Council following the application deadline. If candidates are unable to attend, the meeting will not be rearranged.
  5. A local council may wish to indicate that people with specific skills and expertise (e.g. planning, fundraising, environment, project management) are particularly welcome to apply. This should not be part of the formal notice and it must be clear that people without those skills are still eligible to apply. In cases where there are more candidates than vacancies, a council will need to fairly consider who to co-opt and such skills and expertise may be taken into account according to a council’s particular needs.

### Applications

5.1 Candidates will be requested to:

* + - confirm their eligibility for the position of parish councillor within the statutory rules, please refer to Appendix A; and
    - submit information about themselves by completing an application form, please refer to Appendix B.

1. **Decision making**

6.1 Decisions made by the council about whether or not to co-opt when vacancies remain unfilled after an ordinary election and who to co-opt when any casual vacancy arises should be transparent.

* 1. Successful co-opted candidates become a Councillor with immediate effect. They may remain in the meeting and take part in discussion, however will not be entitled to vote until they have signed a Declaration of Acceptance of Office as detailed in 6.3
  2. Co-opted members will be asked to sign a Declaration of Acceptance of Office in accordance with section 83(4) of the 1972 Act in the presence of another councillor or the clerk and accept to comply with Combe Hay Parish Council Code of Conduct. They may take their seat at Council and are then able to be appointed to a committee. The declaration must be delivered before or at the first meeting of the council. If a councillor fails to deliver the signed declaration, he thereupon vacates office and a casual vacancy arises. There is no provision allowing a declaration to be delivered retrospectively.