

# HUNTON PARISH COUNCIL

## Co-option Policy

This policy was adopted by Hunton Parish Council at the meeting held on 16<sup>th</sup> September 2024.

### 1. Introduction

1.1 The co-option of a parish councillor occurs in two instances:

- When an ordinary vacancy has arisen on the Council after the ordinary elections held every four years.
- When a casual vacancy has arisen on the Council and a by-election has not been called.

### 2. Ordinary Vacancy

2.1 An ordinary vacancy occurs when there are insufficient candidates to fill all the seats on the Council at the ordinary elections held every four years.

2.2 Any candidates who were nominated are automatically elected to the Council and any remaining vacancies are known as 'ordinary vacancies'. Provided there are enough parish councillors to constitute a quorum, the Council is usually able to co-opt a volunteer to fill the vacancies. The Council does not have to give public notice of the vacancy or vacancies, although it may do so if it wishes. In practice, the giving of public notice is a sensible way to attract possible candidates for co-option.

### 3. Casual Vacancy

3.1 A casual vacancy occurs when:

- A councillor resigns;
- A councillor dies;
- A councillor fails to make his declaration of acceptance of office at the proper time;
- A councillor becomes disqualified; or
- A councillor fails to attend meetings of the Council or committee for a period of 6 consecutive months without an approved reason.

3.2 The Parish Council has to notify the Maidstone Borough Council Democratic & Electoral Services Team (MBC) of a casual vacancy and then advertise the vacancy (on the notice boards and parish website), giving electors the opportunity to request an election. A by-election will be held when at least 10 electors write to MBC stating that an election is requested, which MBC would then organise. If 10 residents do not request an election within 14 days of the vacancy notice being posted, as advised by MBC, the Council is able to co-opt.

- 3.3 If a casual vacancy arises within 6 months of an election, the vacancy is not required to be filled until the next ordinary election.

#### **4. Eligibility**

- 4.1 The Council can consider any person to fill a vacancy provided they are:

- 18 or over; and
- a British citizen, a qualifying Commonwealth citizen or a European Union citizen.

and at least one of the following apply:

- is an elector for the parish and continues to be an elector; or
- has resided in the parish for the past 12 months or rented/tenanted land in the parish; or
- has had his/her principal or only place of work in the parish for the past 12 months; or
- has lived within 3 miles of the parish for the past 12 months.

- 4.2 There are certain disqualifications from being a parish councillor, of which the main are (see s80 of the Local Government Act 1972):

- holding a paid office or employment under the Parish Council;
- bankruptcy;
- having been sentenced to a term of imprisonment (whether suspended or not) of not less than 3 months, without the option of a fine, during the preceding 5 years; or
- being disqualified under any enactment relating to corrupt or illegal electoral practices.

#### **5. Co-option Process**

- 5.1 Although seeking expressions of interest is not a legal requirement, the National Association of Local Councils (NALC) recommends that councils give public notice of vacancies to make the process of co-option open and transparent, and to attract more potential candidates.
- 5.2 The vacancy by co-option should be advertised on notice boards within the parish and on the parish website for a minimum of four weeks.
- 5.3 The Council can advertise, promote or approach individuals how it sees fit but any candidate who qualifies must be considered for co-option.
- 5.4 Candidates will need to contact the Clerk to ensure they are eligible and to ask any questions they have about the co-option procedure or the role of parish councillor. Candidates could also speak with parish councillors.

- 5.5 If the candidates are eligible, they will be invited to attend a Council meeting to make a short statement and be asked questions by the councillors. This process will be carried out in public session. However, where the merits of the candidates, and inevitably their personal attributes, are to be discussed by the Council, the Council can resolve to exclude the members of the press and public. This likely to be by exception where there is a large number of candidates for a limited number of roles.
- 5.6 Declarations of interest must be made by councillors as each candidate is considered (family ties, business relationships, etc). This does not prevent councillors from voting, but a councillor may exempt himself from the process if there is considered a serious conflict of interest.
- 5.7 If only one candidate has applied for a vacancy, there would need to be a good reason not to co-opt them, although councillors do reserve the right to reopen the process to seek further applicants.
- 5.8 All voting must take place in a public meeting. If more than one candidate applies for a vacancy, the Council must vote by a show of hands or secret ballot, if necessary by successive counts which eliminate the least successful candidate in each round, until the successful candidate receives the absolute majority (more than 50% of all possible votes) of those present at the Council meeting and voting. If no candidate receives a majority vote, the vacancy may remain unfilled.
- 5.9 In the event of multiple vacancies, if the number of candidates is less or equal to the number of positions to be filled, each candidate must still receive an absolute majority vote. If there are more candidates than vacancies, paragraph 5.8 applies to each vacancy in turn until all are filled.
- 5.10 If the successful candidate is present at the meeting where the co-option is agreed they can sign the Declaration of Acceptance of Office form and participate in the remainder of the meeting. If not present, the Declaration must be signed before or at the next Council meeting in the presence of the Clerk.
- 5.11 The Clerk will notify MBC of the co-option of the new councillor.
- 5.12 The co-opted councillor will complete a Disclosable Pecuniary Interests form which the Clerk will lodge with the Monitoring Officer at MBC within 28 days of the co-option.
- 5.13 If insufficient candidates are co-opted, the process will continue, whereby the vacancy or vacancies are advertised again.