

## BROADCLYST PARISH COUNCIL

### CO-OPTION PROCEDURE POLICY

#### 1. Introduction

This policy sets out the procedure to ensure there is compliance with legislation and continuity of procedures in the co-option of members to Broadclyst Parish Council. The Co-option procedure is entirely managed by Broadclyst Parish Council and this policy ensures a fair and equitable process is carried out.

- 1.1. The normal process for filling a casual vacancy is election by the local electorate at a by-election. Co-option is the process by which the Town Council selects a new Councillor, rather than a by-election taking place.
- 1.2. There are two circumstances under which the Town Council may proceed to fill a casual vacancy by co-option:
  - 1.2.1. When a seat has been left vacant because no eligible candidate stood for election at the ordinary elections for a new council (currently every four years).
  - 1.2.2. When a seat falls vacant but the required 10 electors of the relevant ward have not called for a poll (by-election) within the legally specified time period following publication of the notice of vacancy (see section 2 below).
- 1.3. If the period of vacancy has six or more months to run until the next ordinary election, the Parish Council must use the co-option process, as soon as practicably possible. If the next ordinary election is within six months, the Parish Council may choose whether or not it wishes to co-opt.
- 1.4. Whenever the need for co-option arises Broadclyst Parish Council will seek and encourage applications from those who meet the qualifying criteria and are eligible to stand as a councillor. Councillors can legally approach individuals to suggest they may wish to apply.
- 1.5. The Parish Council is not obliged to select anyone from the candidates who apply in the co-option process; if the process is unsuccessful (whether through lack of or no suitable candidates which achieve a majority vote) then the Parish Council will rerun the co-option process, subject to the timescales at 1.3 above.
- 1.6. All vacancies will be advertised on the Parish Council noticeboard and website. The advertisement to co-opt will include:
  - 1.6.1. The method by which applications can be made
  - 1.6.2. The closing date for all applications
  - 1.6.3. A contact point to obtain more information
- 1.7. The co-option policy will be reviewed every four years.

#### 2. Timeline of a Casual Vacancy Occurring

- 2.1. Upon learning of a casual vacancy from a seat falling vacant (following the departure of a councillor mid-term due to resignation or other reasons, as stated in the Local Government Act 1972 s87.), the Parish Clerk will notify East Devon District Council's Returning Officer of the vacancy arising. East Devon District Council being the local electoral authority, legally responsible for delivering electoral services.
- 2.2. The District Council will advertise the vacancy and require the Parish Council to make sure the notice of a casual vacancy is shared in conspicuous places. The Parish Council meets this requirement by displaying the notice on its Broadclyst Village noticeboard and website.
- 2.3. A legal timeframe of 14 days is assigned, from the date of the notice, for 10 or more electors in the relevant Parish with the vacancy to contact the District Council's Returning Officer requesting that a poll (by-election) be held<sup>1</sup>. If this occurs, the District Council will issue a notice of poll and manage the by-election process accordingly.
  - 2.3.1. If the requirements at 2.3 are not met and a poll is not requested by 10 or more electors, the District Council will notify the Parish Council that the casual vacancy may be filled by co-option. On receipt of written confirmation from East Devon District Council's Electoral Services that the vacancy can be filled by co-option, the Clerk will:
    - 2.3.1.1. Advise the council that the co-option policy has been instigated.
    - 2.3.1.2. Initiate the Advertisement Process.

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<sup>1</sup> by-elections will not be called when a vacancy occurs within six months of an ordinary election.

- 2.4. As referenced in 1.2.1, the other way in which a casual vacancy can occur (rather than by a seat falling vacant), is from the lack of eligible candidates at ordinary elections. In this case, the District Council's Returning Officer would notify the Parish Council, immediately after the results of the ordinary elections are known, that co-option can take place. The Parish Council then has 35 working days to co-opt from the date of the election. If they do not fill the vacancies within the timeframe, East Devon District Council may take action to fill the seats.
- 2.5. As per 1.3 above, where there is six months or more until the next ordinary election, the Parish Council will follow the process set out within this policy document upon notification that co-option can take place.
- 2.6. If there is less than six months until the next ordinary election, the Parish Council will resolve at the next Full Council Meeting whether or not to co-opt to fill the vacancy.
- 2.7. If co-option is not used to fill a vacancy due to there being less than six months to the ordinary election, that seat will be filled as usual in the ordinary election process.

### **3. Advertisement Process**

- 3.1. Local councils can only be as connected and helpful as the people elected to run them, so they require Councillors capable, enthusiastic and engaged to reflect their communities. As such, making co-options is an opportunity for a local council to address shortfalls and imbalances in their membership.
- 3.2. 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.
- 3.3. On receipt of written notice from East Devon District Council (the local electoral authority) that a casual vacancy may be filled by means of co-option (see section 2 above):
  - 3.3.1. The Parish Clerk will share the advertisement of the vacancy to be filled by co-option with all Councillors, before ensuring this is advertised within 21 days of receipt of the written notification.
  - 3.3.2. The co-option advertisement will include the closing date for requests for consideration (between 14 and 30 days after the date of the advertisement) and the number of vacancies, and may be shared on the Parish Council's website, social media platforms, noticeboards and other relevant communication methods, such as sharing with local partners and community groups.
- 3.4. A co-option provides an opportunity for the Parish Council to assess any skills gaps from within its members and advertise for applicants with the desirable skills to apply. Not holding the identified skills should not however be reason alone for not considering an applicant and the Parish Council will need to be mindful of this throughout the process.
- 3.5. Councillors may point out the vacancies and the process to any qualifying candidate(s). Candidates found to be offering inducements of any kind will be excluded from the process.
- 3.6. Candidates will be encouraged to contact the Clerk for further information about the Parish Council, its current priorities and working arrangements, prior to submitting an application.
- 3.7. Broadclyst Parish Council is not obliged to fill any vacancy. Even if the Parish Council invites applications for co-option, it is not obliged to select anyone from the candidates who apply.

### **4. Eligibility of Candidates and Application Process**

- 4.1. The Parish Council will make available on its website (or in hard copy to those that request it) information about the role of Parish Councillor, an overview of the Parish Council and other relevant guidance which will support potential candidates in deciding whether or not they may wish to apply.
- 4.2. To assist candidates Appendix A provides a guide to criteria that the Parish Council would expect from Parish Councillors. This list is not exhaustive but provides candidates with some guidance on areas they may wish to include in their application forms.
- 4.3. Applicants for a vacancy will be asked to:
  - 4.3.1. Confirm their eligibility for the position of Councillor within the statutory rules (a copy of the Eligibility Form is attached at Appendix B)
  - 4.3.2. Submit information about themselves, by way of completing a short application form (a copy of the application form is attached at Appendix C)
  - 4.3.3. Candidates will be encouraged to contact the Clerk for further information about the Parish Council, its current priorities and working arrangements, prior to submitting an application

- 4.4. All eligible candidates shall be invited by email to attend the next suitable and available Full Council meeting following the application deadline.
- 4.5. Following receipt of applications, the next suitable council meeting will have an agenda item 'To Co-opt a Councillor to fill a vacant seat'.
- 4.6. If candidates are unable to attend this meeting, their application will still be considered in their absence (unless it is withdrawn). No alternative date or time for a meeting will be arranged.
- 4.7. Copies of any applications will be circulated to all Councillors by the Clerk at least 3 clear days prior to the meeting of the Full Council when the co-option will be considered. All such documents will be treated by the Clerk and all Councillors as Strictly Private and Confidential.
- 4.8. Candidates will be sent a full agenda of the meeting at which they are to be considered for appointment, together with a copy of the Code of Conduct, Standing Orders and Financial Regulations of Broadclyst Parish Council. Candidates will also be informed that they will be invited to speak in support of their application at the meeting.

## **5. Decision-Making Process**

- 5.1. The co-option process will be determined in a public session of the Parish Council and a specific agenda item will be set aside for applicants to make a brief, verbal presentation to the Parish Council in support of their application.
- 5.2. A maximum of five minutes will be allowed per candidate.
- 5.3. Councillors may ask questions of the candidates following their presentations.
- 5.4. Councillors are still bound to declare a non-registerable interest if they or a member of their family or close associate are related to or have a close relationship to an individual candidate and would need to request a dispensation in order to speak or vote (Standing Order 13 sets out the process for requesting a dispensation, which would need to be requested ahead of the meeting). If a Councillor is uncertain of whether an interest is declarable, they can seek the advice of the Parish Clerk ahead of the meeting. If a dispensation is requested and not granted, the Councillor will have to withdraw from the meeting for the co-option item of the agenda.
- 5.5. Once all the candidates have finished giving their submissions, the Council will proceed to a vote on the suitability of each candidate utilising the 'person specification' criteria set out in Appendix C and any personal statements provided by candidates.
- 5.6. Instances where the Council wishes to discuss the merits and/or personal attributes of candidates will not be allowed as could be prejudicial and unsuitable during public session.
- 5.7. The initial vote will be to decide whether the Council wishes to proceed with co-option – this motion will need to be proposed and seconded, followed by a vote by show of hands.
- 5.8. Should Full Council resolve that there are suitable candidates and to proceed, Councillors will vote for individual candidates by show of hands, alphabetically by surname. Councillors will have one vote per vacancy to be filled. The Chair has the casting vote.
- 5.9. In the event of there being only one candidate, a vote will still need to be taken.
- 5.10. A candidate can only be elected by co-option following a majority vote of Full Council. A majority vote is a majority of the total number of Councillors present at the meeting e.g. if there are 10 councillors voting, the majority would be 6 votes for.
- 5.11. If there are more than two candidates for one vacancy and not one of them at the first count receives a majority over the total votes given to the rest, the Chair will strike off the candidate with the least number of votes and the remainder must then be put to the vote again until an absolute majority is achieved.
- 5.12. If insufficient candidates come forward, or no candidate is elected, the process should continue whereby the vacancies are advertised again. The Council does not have to accept any candidate even if there is only one Candidate for one position.
- 5.13. Any candidate(s) found to be offering inducements of any kind will be disqualified.

**6. Elected Councillors (Co-Option)**

- 6.1. Successfully co-opted candidates become Councillors in their own right, with immediate effect (subject to the signing of the Declaration of Acceptance of Office).
- 6.2. The co-opted members will be asked to sign a Declaration of Acceptance of Office before or at the first meeting of the Parish Council after their co-option and to agree to be bound by the Parish Council's adopted Code of Conduct. They may then take their seat at the Parish Council and will have the ability to be appointed to Committees and Working Groups
- 6.3. The Register of Members Interests form must be completed within 28 days of election - the Parish Clerk will then forward a copy to the District Council's Monitoring Officer.
- 6.4. Any newly co-opted members will be provided with a welcome pack and invited to attend an induction session with the Parish Clerk and/or other officers. This should take place, where possible, before the next Full Council meeting.

**Signed**

.....

**Chairman of the Council**

**Date of Adoption of Policy**

**XXX YYYY**

**Review date**

**XXX YYYY**

**APPENDIX A**  
**CO-OPTION CRITERIA**

Name of Local Council: Broadclyst Parish Council

Description of Office: Parish Councillor

| Competency                                | Essential                                                                                                                                                                                    | Desirable                                                                                 |
|-------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|
| Personal Attributes                       | Sound knowledge and understanding of local affairs and the local community                                                                                                                   | Can bring a new skill, expertise or key local knowledge to the Council                    |
|                                           | Forward thinking                                                                                                                                                                             |                                                                                           |
| Experience, Skills, Knowledge and Ability | Solid interest in local matters                                                                                                                                                              | Experience of working in another public body or not for profit organisation               |
|                                           | Ability to listen constructively                                                                                                                                                             | Experience of working with voluntary and/or local community/interest groups               |
|                                           | A good team player                                                                                                                                                                           | Basic knowledge of legal issues relating to Town and Parish Councils or Local Authorities |
|                                           | Ability to pick up and move forward with a variety of projects                                                                                                                               | Experience of delivering presentations                                                    |
|                                           | Ability and willingness to represent the Council and their community                                                                                                                         |                                                                                           |
|                                           | Ability and willingness to work closely with other members and to maintain good working relationships with all members and staff                                                             |                                                                                           |
|                                           | Good interpersonal skills and able to contribute opinions at meetings whilst willing to see others' views and accept majority decisions                                                      |                                                                                           |
|                                           | Ability to communicate succinctly and clearly                                                                                                                                                |                                                                                           |
|                                           | Experience in using IT e.g., email & internet                                                                                                                                                |                                                                                           |
|                                           |                                                                                                                                                                                              |                                                                                           |
| Circumstances                             | Ability and willingness to attend meetings of the Council (or meetings of other local authorities and local bodies) and events at any time in the evening and at weekends (where reasonable) |                                                                                           |

## APPENDIX B CO-OPTION ELIGIBILITY FORM

In order to be eligible for co-option as a Broadclyst Parish Councillor you must satisfy certain criteria:

|                                                                                                                                                                            | Yes | No |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|----|
| a) Are British or a citizen of the Commonwealth? <sup>2</sup>                                                                                                              |     |    |
| b) On the 'relevant date' (i.e., the day on which you are nominated or if there is a poll the day of the election) are you 18 years of age or over?                        |     |    |
| c) I am registered as a local government elector for the Parish of Broadclyst?; or;                                                                                        |     |    |
| d) I have, during the whole of the twelve months preceding the date of my co-option, occupied as owner or tenant, land or other premises in the Parish of Broadclyst?; or; |     |    |
| e) My principal or only place of work has, during the whole twelve months preceding my co-option, been in the Parish of Broadclyst?; or;                                   |     |    |
| f) I have during the whole of twelve months preceding my co-option lived in the Parish of Broadclyst or within 3 miles of it?                                              |     |    |

Under Section 80 of the Local Government Act 1972 a person is disqualified from being elected as a Local Councillor or being a member of a Local Council if specific criteria are not met:

|                                                                                                                                                                                                                                                          | Yes | No |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|----|
| a) Are you an employee of Broadclyst Parish Council?                                                                                                                                                                                                     |     |    |
| b) Are you the subject of a bankruptcy restrictions order or interim order?                                                                                                                                                                              |     |    |
| c) Have you within the last five years been convicted of an offence in the UK, Channel Islands or Isle of Man which resulted in a sentence of imprisonment (whether suspended or not) for a period of three months or more without the option of a fine? |     |    |
| d) Have been convicted of a corrupt or illegal practice by an election court?                                                                                                                                                                            |     |    |
| e) Are subject to any relevant notification requirements, or a relevant order, in respect of a sexual offence?                                                                                                                                           |     |    |

### Use of Personal Information

The Parish Council will use the information provided on this form to assess your eligibility to be a Parish Councillor.

### Declaration of Consent

I.....hereby confirm that I am eligible for the vacancy of Broadclyst Parish Councillor, and the information given on this form is a true and accurate record.

Signed: .....

Print: .....

Date: .....

<sup>2</sup> You may also be eligible as a citizen of the European Union, however the criteria has changed now that the UK has left the European Union. Please check on the [gov.uk website for advice about EU citizens' voting and candidacy rights](https://www.gov.uk/guidance/eu-citizens-voting-in-local-elections) in local elections.

**APPENDIX C**  
**BROADCLYST PARISH COUNCIL CO-OPTION APPLICATION FORM**

|                   |  |
|-------------------|--|
| NAME:             |  |
| ADDRESS:          |  |
| TELEPHONE NUMBER: |  |
| EMAIL ADDRESS:    |  |

1. Please tell us something about what experience you can bring to Broadclyst Parish Council, for example, previous local government experience, work in the voluntary or charitable sector, business or trade union experience (please continue on an additional page if required).

2. Please tell us something about skills you can bring to the Council, for example, professional qualifications, financial or project management expertise (please continue on an additional page if required).

3. Please explain why you are interested in becoming a Parish Councillor.

4. Please include any other information you would like to add in support of your application (please continue on an additional page if required).

5. Are there any questions you would like to ask the Parish Council prior to the meeting which considers applicants?

6. Please rank your interest from 1-5 in the following Council operational areas (1 being the most interest, 5 being the least):

|                         |  |                            |  |
|-------------------------|--|----------------------------|--|
| Finance                 |  | Governance                 |  |
| Planning                |  | Environment                |  |
| Staffing                |  | Traffic                    |  |
| Communications          |  | Youth                      |  |
| Events                  |  | Council Assets (buildings) |  |
| Other (please specify): |  |                            |  |

Please complete Appendix B & C and return together via email to: [clerk@broadclyst.org](mailto:clerk@broadclyst.org) or by post, addressed to: The Clerk, Broadclyst Parish Council, 19 New Buildings, Broadclyst, EX5 3EX