

2024

Hampsthwaite Parish Council Policy: Co-Option Policy



Adopted: 19th December 2024

This policy outlines the procedure to be followed by Hampsthwaite Parish Council when a casual vacancy arises by virtue of Councillor resignation, disqualification, or death.

The Electoral Services Department at the Principal Authority will be informed of the vacancy as soon as practicable after it arises.

The Council will follow the relevant legislation to allow ten electors to claim a by-election. Assuming there is no call for a by-election the Council will fill the vacancy by co-option using the following procedure:

1. A notice will be erected in a conspicuous place in the parish inviting people who are interested in being a Councillor to contact the Council and complete an application form.
2. The notice advertising the vacancy will contain a closing date for receipt of applications.
3. Upon receipt, the Council will check (as far as reasonably possible) that candidates are eligible in accordance with the Local Government Act 1972, section 79. To be eligible, the candidate must:
 - be 18 years old or over; and
 - 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.
 - and not disqualified from being a Councillor by virtue of section 80 of the Local Government Act 1972, Part 2 of the Sexual Offences Act 2003 and Local Government (Disqualification) Act 2022, or a Criminal Conviction, Section 34 of the Localism Act 2011.
4. Following receipt of applications, the next suitable Council meeting will have an agenda item 'To receive written applications for the office of parish Councillor and to co-opt a candidate to fill the existing vacancy'.
5. The Council will request all those submitting an application, to attend a parish Council meeting and provided a short 3-5 minute presentation as to their suitability as a parish Councillor, prior to resolving to coopt the most suitable candidate.
6. Decisions of a local Council are normally made on a simple majority vote. The only occasion where this differs is in the co-option process. Where the Council has more than two applicants for one vacancy it will ensure that the successful applicant receives an absolute majority of the votes cast. The difference is that the person elected receives more votes than the others added together.
7. Where there is one candidate for one seat or any situation where the number of candidates is equal to the seats available, the Council must appoint the candidates as long as they are qualified to hold public office under Section 79 of the Local Government Act 1972 and are not disqualified as summarised at point 3.
8. The successful candidate will sign a Declaration of Acceptance of Office before they can act as a parish Councillor.
9. The clerk will provide the new Councillor with the Council's adopted Code of Conduct.
10. The clerk will provide the new Councillor with the Council's Councillor induction pack.