

STISTED PARISH COUNCIL

Co-option Policy



Based upon SLCC Guide 2023

Date of Adoption: November 2024 formal adoption

Review Date: December 2025

Guide to Filling a Casual Vacancy for a Parish Councillor – Stisted parish Council

Procedure

In the event of a casual vacancy occurring for a Parish Councillor, public notice must be given by the parish council in accordance with [Section 87\(2\) of the Local Government Act 1972](#).

In a case where the parish council declares the office to be vacant in accordance with [Section 86 of the Local Government Act 1972](#) (i.e. through the disqualification or non-attendance of a member) the vacancy must be publicly advertised **immediately**.

In all other cases, public notice of the vacancy must be given as soon as practical after the vacancy has occurred.

NOTE:

The Clerk should contact the Elections Team at Braintree District Council to notify of the resignation of a councillor / vacancy and request the relevant Public Notice to be issued for display on the Parish Notice board. This can additionally be displayed on the Parish website if necessary

Stisted parish Council has 7 councillors at 2023 on review of this policy

The notice of casual vacancy provides a date by which an election must be requested and the last possible date for a poll to be held

The date on which the notice is posted should be inserted at the bottom of the notice

Claiming a poll

Proper notification of the vacancy is essential because under the [Local Elections \(Parishes and Communities\) \(England and Wales\) Rules 2006](#), on such vacancy occurring in the office of Parish Councillor, an election to fill the vacancy shall be held if, within fourteen days (this is calculated by excluding Saturdays, Sundays, Christmas Eve, Christmas Day, Good Friday, bank holidays and days appointed for public thanksgiving or mourning) after public notice of the vacancy has been given, notice in writing of a request for such an election has been given to the returning officer by ten electors for the area. The request must come from ten electors within the relevant ward.

Advertising a Casual Vacancy

If no request for election is received by Braintree District Council, permission will be given to the Parish Clerk to fill the vacancy by co-option as soon as practicable (see below). The Clerk will draft a notice of vacancy to post on the Parish Notice Board giving details of the vacancy, the closing date and method to request an application form for return to the Clerk

Once an election has been requested, however, the vacancy must be filled by election and the council cannot fill it by co-option, even if there are insufficient candidates. An election must be held within sixty days (calculated as above) of the date of the public notice of the vacancy.

Where a casual vacancy occurs within six months before the day on which the councillor whose office is vacant would normally have retired, an election to fill the vacancy shall not be held. The parish council nevertheless may fill the vacancy by co-option if it wishes.

Voting by council on casual vacancy (“co-option”)

In the case of co-option, the following procedure should be followed:-

- (a) Notice of the intention to co-opt to the vacancy should be given in the agenda for the meeting of the parish council; (this can be in the closed section so that it is not open to the public to see the interview and voting)
- (b) When the item is reached, the chair should call for nominations, which should be duly proposed and seconded where there is more than one applicant;
- (c) When all the nominations have been received a vote should be taken. It is usual for the candidate’s names to be put in alphabetical order;
- (d) The person co-opted must receive a majority of the votes of those councillors present and voting at the meeting where the co-option takes place. Where there are more than two candidates for one vacancy, this rule means that a person must get a majority of votes over all the other candidates. Therefore, where candidate A receives four votes, and candidates B and C each receive two, A is not elected because he has the same number of votes as B and C put together and does not have a majority over their combined votes. Where there are more than two candidates it is desirable to eliminate the candidate with the least number of votes, so that the final vote is between two candidates only;
- (e) After the vote has been taken, the chair should declare the candidate who received the highest number of votes duly elected;
- (f) The person elected must make a declaration of acceptance of office before, or at, the first meeting of the parish council following his election in the presence of a member of the parish council or the proper officer of the parish council. The declaration is then retained in the parish records. The person elected will need also to undertake to abide by the parish council’s code of conduct. This is part of the declaration form
- (g) The new councillor will then be asked to complete a Declaration of Interest for. This will be sent to the BDC to include in the register of interests for Stisted Parish. At the same time the clerk will request removal of any resigning councillor from the register

NOTE:

There is nothing preventing councillors from approaching persons to offer themselves for co-option or even advertising for applicants. Applicants might also be invited to provide a written “application” or invited to speak to the council prior to any voting. If such

arrangements are to be applied, they should be carefully drafted and provided to applicants. It is imperative that all applicants are treated alike in order that the arrangements are seen as fair. Applicants under such arrangements must not undertake any lobbying.

Template Advert

STISTED PARISH COUNCIL Vacancy for a Parish Councillor

Following the resignation of a Parish Councillor, Stisted Parish Council would like to invite suitably qualified applications for co-option.

You are eligible to apply if you:

- Are over the age of 18.
- Are a British citizen, an eligible Commonwealth citizen or a citizen of any other member state of the European Union.

And meet at least one of the following four qualifications:

- You are registered as a local government elector for the parish of Stisted in respect of your qualifying address.
- You have occupied as owner or tenant any land or other premises in the parish during the whole of the 12 months before the day of application.
- Your main or only place of work during the 12 months prior to the day of application has been in the parish.
- You have lived in the parish or within 3 miles of it during the whole of the 12 months before the day of application.

You will also be required to sign a declaration that you believe you are not disqualified from being elected by reason of any disqualification set out in, or decision made under, section 80 of the Local Government Act 1972, section 78A of the Local Government Act 2000 or section 34 of the Localism Act 2011. These include, but are not limited to, the following:

- You are not employed by the Parish Council.
- You are not the subject of a bankruptcy restrictions order or interim order.
- You have not been sentenced to a term of imprisonment of three months or more (including a suspended sentence), without the option of a fine, during the five years before the day of application.
- You have not been disqualified under the Representation of the People Act 1983 (which covers corrupt or illegal electoral practices and offences relating to donations) or under the Audit Commission Act 1998.

Interviews will be held directly before the next Parish Meeting on XXXXXX

To find out more or to request an application form, please contact:

Chairman – aroutpc@outlook.com, or

Parish Clerk – 07877 817276,

or email: stistedparishcouncil@yahoo.co.uk

CLOSING DATE FOR APPLICATIONS: XXXXX