

LITTLE ECCLESTON WITH LARBRECK PARISH COUNCIL

Co-Option Procedure March 2021

Vacancies arising on the Parish Council following an election

Where insufficient members are elected at an ordinary election but the Parish Council nevertheless has a quorum, the Parish Council can fill the vacancies by co-option (without the need to advertise the vacancy).

Paragraph 12 of Part II of Schedule 12 to the Local Government Act provides that three or one third of the total number of Parish Councillors, whichever is greater, is necessary for a meeting to have a quorum.

The Parish Clerk should therefore:

Establish whether or not sufficient Parish Councillors have been elected to constitute a quorum.

1. If there are sufficient councillors in the Parish Council for a quorum, then, provided that the Parish Council meeting has sufficient Parish Councillors to constitute a quorum (i.e. provided that all the Parish Councillors needed to establish the quorum turn up to that meeting), new Parish Councillors can be co-opted at that Parish Council Meeting. (The Parish Clerk should then ensure that the requisite steps are taken in respect of this appointment.)
2. If there are insufficient councillors in the Parish Council for a quorum, the Parish Clerk should advise Fylde Borough Council who will advise the Parish Clerk as to the steps that will need to be taken in order to fill the vacancies.

Vacancies arising on the Parish Council at other times - Casual Vacancies (and by-elections)

Vacancies might arise on a Parish Council for various reasons "between elections" (for example, a vacancy might arise due to the resignation or death of a Councillor or due to a Councillor's repeated failure to attend meetings or his/her disqualification). Such vacancies are referred to as "casual vacancies".

- The Parish Clerk is responsible for publishing the notice of vacancy as soon as practicable and ensuring that it is displayed for the requisite time (i.e. a **14 working day** period, which excludes Saturdays, Sundays and bank/Public Holidays).
- The Parish clerk should use the [Notice of Vacancy](#) for this purpose. The completed notice should be copied and then displayed on the parish notice board and in any other convenient places in the parish. The parish clerk should make a note of the date that the notice is first displayed (as this date is relevant for elections/appointments).
- The Parish Clerk should inform Fylde Borough Council to provide
 - (i) details of the vacancy (which councillor and why);
 - (ii) a copy of the notice; and
 - (iii) the date from which it is displayed (this date will be particularly important if an election is required).
- If on or before the date 14 working days from the date that the notice is displayed, Fylde Borough Council receives a notice, signed by 10 electors stating that they wish there to be an election, there must be an election.
- If an election is not called then the Parish Council will fill the seat by co-option.

Where a vacancy occurs within six months before the day on which a councillor would have retired at the next four yearly elections, the Council may co-opt to fill the vacancy however a notice of vacancy will not be displayed as there will be no formal election to fill any vacancies.

Co-option Process

The process for co-option must be open and transparent.

The vacancy by co-option will be advertised on notice boards within the parish and on the website for a minimum of four weeks.

Eligibility

The Parish Council is able to 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 (straight line) of the parish.

There are certain disqualifications for election, of which the main are :

- Being the subject of a bankruptcy restriction order or interim order.
- Within the last five years been convicted of an offence in the UK, the Channel islands or the 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.

Applications

Candidates will be requested to:

- Submit information about themselves, by way of an application form.
- Applicants will also be asked to confirm their eligibility to serve, based on the above criteria.

Parish Council Meeting

If there is more than one applicant the Council will employ a process for election.

The Parish Council will consider the candidates for co-option to fill the vacancy in open session at a Parish Council meeting. The Clerk will report the names of the candidates to the Council and will circulate the applications with the normal meeting papers.

The process will be carried out in the public session and there will be no private discussions between members prior to a vote being taken. However where the Council is discussing the merits of candidates and inevitably their personal attributes, this could be prejudicial and the Council should resolve to exclude the members of the press and public.

Voting

- If there are more candidates than vacancies, the candidate with the least number of votes should be taken off the list of candidates, and if there are still more candidates than vacancies, the vote is taken again. This procedure should be repeated until the number of candidates equals the number of vacancies and each candidate has a majority vote.
- Even if there are fewer candidates than vacancies, each candidate must receive an absolute majority; no majority, no co-option. There is no "co-opted uncontested" provision within the law.
- The successful candidate must receive an absolute majority vote of those members present at the Parish Council meeting.
- If a member is not at the meeting the legislation does not provide for a proxy or postal vote.
- Each Councillor must vote; no councillor may abstain

- The Chairman may only use his casting vote if two successive voting rounds are stalemated

If the successful candidate is present at the meeting where the co-option is agreed they will sign the Declaration of Acceptance of Office and be able to participate in the meeting.

Questions

Any questions about the procedure for co-option, eligibility to serve or the roles and responsibilities of a Parish Councillor should be directed to the Clerk to the Council.

The Clerk will notify Fylde Borough Council of the new member appointment and request the new member completes a Registration of Interests form within 28 days of being co-opted.

Term of Office

A person elected or co-opted to fill a casual vacancy holds office until the person in whose place they are elected or appointed would regularly have retired.