LOGGERHEADS PARISH COUNCIL
CO-OPTION POLICY

Approved by Council: December 2022
Date of Review: May 2026

Co-option to a Casual Vacancy Policy

In the event no election is called to fill a Councillor vacancy for Loggerheads Parish Council, the Council may co-opt membership to the Parish Council in accordance with legislation defined in the Local Elections (Parishes and Communities) (England and Wales) Rules 2006, the Representation of the People Act 1983, the Localism Act 2011 and the Local Government Act 1972. The Parish Council will follow a process which is fair, open and transparent and in compliance with the Equality Act 2010

Consideration will also be given to advice and guidance provided by bodies such as the National Association of Local Councils (NALC), the Society of Local Council Clerks (SLCC) and the Staffordshire Parish Council Association (SPCA)

1. Introduction

1.1 This policy sets out the procedure to ensure there is compliance with legislation and continuity of procedures in the co-option of members to Loggerheads Parish Council.

1.2 The co-option procedure is entirely managed by the Council, and this policy will ensure that a fair and equitable process is carried out.

1.3 The co-option of a Parish Councillor occurs in two (2) instances:-

1.3.1 When an ordinary vacancy has arisen on a Parish Council after the ordinary elections held every four (4) years,

1.3.2 When a casual vacancy has arisen on a Parish Council and no poll (by-election) has been called.

1.4 The Council is composed of four (4) wards:-

- Ashley
- Knighton and Mucklestone
- Loggerheads
- Tyrley

2. Ordinary Vacancy

2.1 An ordinary vacancy occurs when there are insufficient candidates to fill all the seats on a Parish Council at the ordinary elections held every four (4) years. Any candidates who were nominated are automatically elected to the Parish Council and any remaining vacancies are known as “ordinary vacancies”. Provided there

are enough Parish Councillors to constitute a quorum, the Parish Council is usually able to co-opt a volunteer to fill the vacancies.

3. Casual Vacancy

3.1 In accordance with the Local Government Act 1972, a casual vacancy occurs when:-

- A Councillor fails to make their declaration of acceptance of office with the proper time,
- A Councillor resigns,
- A Councillor dies,
- A Councillor becomes disqualified,
- A Councillor fails for six (6) months to attend meetings of a council committee, sub-committee or to attend as a representative of the Council a meeting of an outside body.

3.2 A Parish Council has to notify the Borough Council, Newcastle-under-Lyme Council, of a casual vacancy and then advertise the vacancy and give electors for the ward the opportunity to request an election. This occurs when ten (10) electors write to the Borough Council stating that an election is requested.

3.3 If a by-election is called, a polling station will be set up by Newcastle-under-Lyme Borough Council and the people of the Ward will be asked to go to the polls to vote for candidates who will have put themselves forward by way of a nomination paper. Loggerheads Parish Council will pay the costs of the election. The people of the ward have fourteen (14) days (not including Saturdays, Sundays, Christmas Eve, Christmas Day, Maundy Thursday, Good Friday, a Bank Holiday and any day of public thanksgiving or mourning), to claim the by-election, but the Electoral Services Office of Newcastle-under-Lyme Borough Council will advise the Clerk of the closing date.

3.4 If more than one (1) candidate is then nominated, a by-election takes place but if only one (1) candidate is put forward they are duly elected without a ballot.

3.5 If ten (10) residents do not request a ballot within fourteen (14) days of the vacancy notice being posted, as advised by the Electoral Services Office of Newcastle-under-Lyme Council, the Parish Council is able to co-opt a volunteer.

4. Confirmation of Co-Option

4.1 On receipt of written confirmation from the Electoral Services Office that no by-election has been claimed, the casual vacancy can be filled by means of co-option.|

4.2 The Clerk will:-

- Advertise the vacancy for four weeks (28 days including Saturdays, Sundays, Christmas Eve, Christmas Day, Maundy Thursday, Good Friday, a Bank Holiday and any day of public thanksgiving or mourning) on the Council Noticeboard and the Councils website

- Advise Newcastle-under-Lyme Borough Council that the co-option policy has been instigated.

4.3 This procedure will also apply in the case of an ordinary vacancy where the Electoral Services Office at Newcastle-under-Lyme Borough Council has confirmed that there were insufficient nominations to fill all the seats but there are sufficient Parish Councillors elected to constitute a quorum.

5. Eligibility of Candidates

5.1 The Parish Council is able to consider any person to fill a vacancy provided that:

- They are 18 years old or over
- They are a British citizen or qualifying commonwealth citizen;

And, at least one of the following apply:-

- They are an elector for the Parish and continues to be an elector,
- Or has resided in the Parish for the past twelve (12) months or rented/tenanted land in the Parish,
- Or has had their principal or only place of work in the Parish for the past twelve (12) months,
- Or has lived within three (3) miles (4.8km) of the Parish for the past twelve (12) months.

5.2 In accordance with the Local Government Act 1972, there are certain disqualifications for being a Parish Councillor which are:-

- Holding a paid office or employment under the Parish Council,
- Bankruptcy or interim order,
- Having been sentenced to a term of imprisonment (whether suspended or not) of not less than three months, without the option of a fine during the preceding five years,
- Being disqualified under any enactment relating to corrupt or illegal electoral practices,
- Being convicted for failure to register or declare disclosable interests under the Localism Act 2011

6. Applications

6.1 Candidates will be requested to:

- Submit information about themselves, by way of completing a short application form,
- Confirm their eligibility for the position of parish Councillor within the statutory rules.

6.2 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'.

6.3 Eligible candidates will be invited to attend the meeting.

6.4 Copies of the eligible candidates' applications will be circulated to all Parish Councillors by the Clerk at least three (3) clear days prior to the meeting of

Council, when the co-option will be considered.

6.5 All such documents will be treated by the Clerk and all Parish Councillors as strictly private and confidential.

7. Co-Option

7.1 At the Council meeting, candidates will be given five (5) minutes maximum to introduce themselves to the Parish Councillors, give information on their background and experience and explain why they wish to become a member of the Parish Council. 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 Parish Council is discussing the merits of candidates and inevitably their personal attributes, this could be prejudicial, and the Parish Council should resolve to exclude the members of the press and public.

7.2 Following the candidate presentations/addresses, members will proceed to a vote in the form of an anonymous ballot.

7.3 In order for a candidate to be co-opted to the Parish Council, it will be necessary for them to obtain an absolute majority of votes cast (50% + 1 of the votes available at the meeting). If there are more than two (2) candidates and there is no candidate with an overall majority in the first round of voting, the candidate with the least number of votes will drop out of the process. If there is no successful candidate (e.g. if one applicant, but fails to receive a majority of support for their candidacy) the vacancy will be advertised again and the co-option process repeated (as per this policy) until a candidate is successfully co-opted to Council (or until the vacancy is filled by normal election)

7.4 Further rounds of voting will then take place with the process repeated until a candidate has an absolute majority. In the event of a tied ballot, the Chair has the casting vote.

7.5 Where there is more than one ward in consideration for co-option, ballots will be held in ward alphabetical order. A co-option applicant can indicate on their application which ward (or all wards) they wish to be considered for and may, if unsuccessful in preceding ballots, be included in later ballots (based on ward alphabetical order).

7.6 The ballot(s) will be counted by the Clerk, being observed by an independent party.

7.7 If present, a candidate who is co-opted will sign a Declaration of Acceptance of Office, including an undertaking to abide by the Parish Council's Code of Conduct, and may take office thereafter. If not present, a co-opted candidate will sign the Declaration of Acceptance of Office either before or at the next meeting of the Parish Council.

7.8 The Clerk will notify the Electoral Services Office at Newcastle-under-Lyme Borough Council of the co-option of the new Parish Councillor.

7.9 The co-opted Parish Councillor will complete a Register of Interests form.

7.10 If insufficient candidates are co-opted, whereby the vacancies are again advertised and the process is repeated.

ANNEX 1: CO-OPTED COUNCILLOR PERSON SPECIFICATION

This table suggests essential and desirable skills for candidates of the casual vacancy.

Competency	Essential	Desirable
Personal Attributes	• Sound understanding and knowledge of local affairs, and the local community • Forward thinking	• Can bring a new skill, expertise or key local knowledge to the Council
Experience, Skills, Knowledge and ability	• Ability to listen constructively • A good team player • Ability to pick up and run with a variety of projects • Solid interest in local matters • Ability and willingness to represent the Council and their community • Good interpersonal skills and able to contribute opinions at meetings whilst willing to see the views of others and accept the majority decisions • Ability to communicate succinctly and clearly • Ability and willingness to work closely with other members and to maintain good working relationships with members and staff • Ability and willingness to work with the Council's partners (e.g. voluntary groups, other Parish	• Experience of working or being a member in a Local Authority or other public body • Experience of working with voluntary or local community / interest groups • Basic knowledge of legal issues relating to Town and Parish Councils or Local Authorities • Experience of delivering presentations

	Councils, Principle Authorities and Charities) • Ability and willingness to undertake indication training and any other relevant training	
Circumstances	• Ability and willingness to attend meetings of the Council (or meetings of other local authorities and local bodies) at any time as well as events and in the evening and at weekends	

NOTE: The above specification is purely a guide to indicate some form of suitability and cannot be used as a measure to exclude a candidate

ANNEX 2: CASUAL VACANCY FORM

We aim to encourage applications from anyone in the town who is eligible to stand.

Councillors or parishioners can approach individuals to suggest that they might wish to consider putting their names forward for co-option.

As a minimum, co-option vacancies will be advertised on the website and on the noticeboard. The advertisement for the co-option will include:-

- Method by which applications can be made – this will be in writing to the Clerk
- The closing date for applications
- Contact point for potential candidates to obtain more information – the Clerk
- Advice that further information is available on request
- A form to complete which includes asking the candidate why they would like to be a Councillor; name; address and other contact When applications are received, the Clerk will confirm eligibility.

Any candidate found to be offering inducements will be disqualified.

Attendance following an application will be requested

All candidates will be sent a copy of the agenda.

Voting to Co-opt a Councillor

In the event of a candidate being unable to attend, their application will still be considered by Members. In the event of a candidate being related to a Councillor, then the Councillor would be expected to declare an interest and request a dispensation to speak and vote.

Voting will be by ballot. The Clerk will collect the ballots; record the voting numbers on the ballot record sheet (for each round of voting). The decision must be made by a majority of members who are present and voting. Where there are more than two (2) candidates for the vacancy, it may be necessary to run a series of votes, each time removing the candidate who has the least number of votes until one candidate secures an absolute majority. If there is more than one (1) vacancy then each vacancy must be filled by a separate vote or series of votes.

The Mayor (or person presiding over the meeting) may vote, and if there is an equality of votes they may exercise their casting vote. The Council's vote on the co-option must be conducted in the public section of its meeting. It follows that the candidates, as members of the public, will be entitled to be present during the proceedings.

The successful candidate(s) are asked to start as a Councillor immediately after completing their Declarations of Acceptance of Office. The new Member should have received an agenda, however; the fact that they have not received a summons does not make their attendance as a Councillor illegal. (Local Government Act 1972 Sch 12, para 10(3)). Where appropriate they will also be appointed to any Council Committee. If an absent candidate is successful, members must agree to the signing the declaration of acceptance of office before or at the very start of the next meeting. New Councillors will also be made aware of the fact that Interests Forms will need to be completed within 28 days of co-option.

To stand for election to become a parish councillor you must be:

- At least 18 years old on the day of your nomination, and
- A British or qualifying Commonwealth citizen

You must also meet at least one of the following four qualifications:

- You are, and will continue to be, registered as a local government elector for the parish in which you wish to stand from the day of your nomination onwards
- You have occupied as owner or tenant any land or other premises in the parish area during the whole of the 12 months before the day of your nomination and the day of election
- Your main or only place of work during the 12 months prior to the day of your nomination and the day of election has been in the parish area
- You have lived in the parish area of within three miles of it during the whole of the 12 months before the day of your nomination and the day of election

Disqualifications from standing

There are certain people who are disqualified from being elected to a parish or community council in England and Wales.

You cannot be a candidate if at the time of your nomination and on the day of the election, **any** of the following are true:-

- You are employed by the parish council or hold a paid office under the parish/community council (including joint boards or committees),
- You are the subject of a bankruptcy restrictions order or interim order,
- You have 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 polling day
- You have 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

A person may also be disqualified from election if they have been disqualified from standing for election to a local authority following a decision of the First-tier Tribunal (formerly the Adjudication Panel for England or Wales).

If successful, you will be required to complete an entry in the council's register of members' interests. This involves putting your address, employment, relevant major shareholdings and membership of charities, pressure groups, political parties etc., on public record.