



Co-Option Policy 2024

Introduction

Section 87(2) of the Local Government Act 1972 (the 1972 Act) requires a local council to give public notice of casual vacancies, to ensure transparency and attract more candidates.

The public notice given by the council invites application for candidates who satisfy (i) the eligibility for being a councillor and (ii) the competencies listed in the person specification.

Procedure

Casual Vacancy:

A casual vacancy occurs following the resignation or death of a serving member. Maidstone Borough Council is notified of the vacancy and Democratic & Electoral Services Team issue a formal Notice of Vacancy. The notice will be displayed for fourteen days during which ten members of the parish can demand an election takes place. If called the by-election is then organised by Maidstone Borough Council. If an election is not called then the Parish Council will fill the seat by co-option.

Vacancies after an election:

If there are not enough candidates to fill the remaining vacancies the Representation of the People Act 1985, section 21 allows the elected members, provided there is a quorum (i.e. one third of the whole numbers of members with a minimum of three) to co-opt members to fill the remaining vacancies.

Insufficient Candidates:

If, following an ordinary election there are insufficient persons nominated to fill all the available seats, the Parish has 60 days from the date of the election to co-opt persons to fill those vacancies without the necessity of advertising for a potential by-election. If there are insufficient councillors elected to form a quorum, the parish must advise Maidstone Borough Council who can either appoint persons to be parish councillors or order another election. (See section 39(4) Representation of the People Act 1983 and section 21(2) RPA 1985)

Vacancies without an election:

If an election is not requested the Parish Clerk will be notified that the Parish Council must co-opt a member to fill the vacancy as soon as practicable. If the number of casual vacancies leaves the Parish Council without a quorum, the Borough Council will order an election to be held and in the meantime may by order appoint people to fill all or any of the vacancies until other Councillors are elected and take up office.

Process

Any casual vacancy by co-option will be advertised on notice boards within the Parish and via the Parish website and social media for a minimum of four weeks. This will include a deadline for receipt of applications.

The Parish Council can advertise/promote/approach individuals as they see fit, but any candidate who qualifies must be considered for co-option, i.e. be put to the vote, in the context of any agreed deadline.

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Eligibility:

The Parish Council can consider any person to fill a vacancy provided that:

- Have lived (either as owner or tenant) in the Parish during the whole of the last 12 months, be an elector of the Parish and live within 3 miles of the parish boundary.
- Your principal or only place of work is in the Parish.

There are certain disqualifications for election, of which the main are (see 5. 80 of the Local Government Act 1972):

- holding a paid office of the Parish Council.
- bankruptcy.
- 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 five years preceding the election
- being disqualified under any enactment relating to corrupt or illegal practices.

Applications:

Candidates will be required to:

- Submit an email or letter to the Parish Clerk explaining why they are interested in joining the Parish Council and what skills and experience they would bring.
- Meet with the Parish Clerk and/or a Councillor to discuss any questions they have about the procedure for co-option, eligibility to serve or the role and responsibilities of a Parish Councillor.

Co-option Process:

- The Parish Council will consider the candidates for co-option to fill any vacancy at a Parish Council meeting.
- Shortly before the start of this meeting the Parish Clerk will report the names of the candidates to the Council at the meeting and distribute copies of any applications made by the candidates.
- Each candidate will be asked to make a short statement to the 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 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.
- Declarations of interest must be made by Parish Councillors as each candidate is considered, (e.g.: family ties, friendships, business relationships etc). This does not prevent Councillors from voting.

Voting:

- This must take place in a public meeting.
- Only Councillors present at the meeting may vote; Each councillor must vote with a for or against vote. No councillor may abstain.
- If a member is not at the meeting the legislation does not provide for a proxy or postal vote.
- Even if there are fewer candidates than vacancies, each candidate must receive an absolute majority vote of those members present at the meeting, no majority, no co-option. There is no "co-opted uncontested" provision within the law.
- 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.
- The Chairman may only use his casting vote if two successive voting rounds are stalemated.

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Declaration of Acceptance of Office:

Those co-opted must sign a declaration of acceptance of office before they join any meeting of the Council as a member.

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.

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.

Notification of Co-option:

The Clerk will notify Democratic & Electoral Services Team at Maidstone Borough Council of the new member appointment and the new member must complete a Declaration of Disclosable Pecuniary Interest within 28 days of being co-opted. Which must be sent to Democratic & Electoral Services Team at Maidstone Borough Council for formal confirmation.

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