

Bentley Parish Council

CO-OPTION OF COUNCILLORS POLICY

1. Introduction

This policy sets out the procedure for the co-option of Parish Councillors. The co-option procedure is entirely managed by the Council, and this policy ensures that it is fair and equitable.

The co-option of a Parish Councillor occurs in two instances:

- When an ordinary vacancy has arisen on a Parish Council after the ordinary elections held every four years; and
- When a casual vacancy has arisen on a parish council and no poll (by-election) has been called.

Councillors elected by co-option are full members of Bentley Parish Council.

2. Ordinary Vacancy

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 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

A 'casual vacancy' occurs when:

- A Councillor fails to make their declaration of acceptance of office at the proper time;
- A Councillor resigns;
- A Councillor dies;
- A Councillor becomes disqualified; or
- A Councillor fails for six months to attend meetings of a Council or Committee or to attend as a representative of the Council a meeting of an outside body (although in this case, a special dispensation can be awarded to a Councillor, if resolved by Full Council).

In the first instance, the Clerk will notify Babergh District Council (BDC) of the Casual Vacancy, and which ward it has arisen in. BDC will then issue a vacancy notice which allows any 10 electors to request an election in that ward by writing to the Returning Officer. The notice will be signed and dated by the

Clerk and displayed on the parish noticeboard and website for 14 working days (not counting Saturdays, Sundays, Christmas Eve, Christmas Day, Good Friday, bank holidays or national days of mourning)¹

A copy of the signed and dated Vacancy Notice is also sent to BDC, who will advise the Clerk of the deadline for an election to be called.

If an election is requested, candidates are then able to put themselves forward by way of a nomination paper. If more than one candidate is nominated, a by-election takes place but if only one candidate is put forward, they are duly elected without a ballot. If a by-election is called, a polling station will be set up by BDC and the residents of that ward will be asked to go to the polls and vote. Bentley Parish Council must pay for the costs of the election.

If ten residents do not request an election within the fourteen days, BDC will notify the Clerk and confirm that the Parish Council is free to co-opt.

If the casual vacancy occurs within 6 months of the Parish Council's ordinary elections, then an election will not be held. However, the vacancy may be filled by co-option (but the Council is not obliged to do so). The next ordinary elections will be held in May 2027.

4. Confirmation of Co-Option

Following confirmation of co-option, the Clerk will seek permission from Full Council to advertise the casual vacancy on the parish council notice board and website. This procedure will also apply in the case of an ordinary vacancy where BDC has confirmed that there were insufficient nominations to fill all the seats.

Bentley Parish Council is not obliged to fill any vacancy. Even if the Council invites applications for co-option, it is not obliged to select anyone from the candidates who apply. However, it is not desirable that electors in a particular ward be left partially or fully under represented for a significant length of time. Neither does it contribute to effective and efficient working of the Council if there are insufficient Councillors: (a) to share the workload equitably; (b) to provide a broad cross-section of skills and interests; or (c) to achieve meeting quorums without difficulty.

5. Eligibility of Candidates

To be able to apply to become a Parish Councillor, candidates must:

- be at least 18 years old; and
- be a British citizen, an eligible Commonwealth citizen, a citizen of the Republic of Ireland, a qualifying EU citizen or an EU citizen with retained rights.

¹ If a vacancy has arisen due to a death, it is courteous that the vacancy notice is not displayed until after the funeral has taken place.

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

- They are, and will continue to be, registered as a local government elector for the parish;
- They have occupied as owner or tenant any land or other premises in the parish area during the whole of the 12 months before their application;
- Their main or only place of work during the 12 months prior to their application has been in the parish area; and
- They have lived in the parish area or within three miles of it during the whole of the 12 months before their application.

There are certain disqualifications for being a Parish Councillor, of which the main ones are:

- Holding a paid office or employment under 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 preceding five years; and
- Being disqualified under any enactment relating to corrupt or illegal electoral practices.

Further information about eligibility and disqualifications can be found on the [Electoral Commission's website](#).

6. Applications

Candidates will be requested to:

- Submit information about themselves, by way of completing a short application; and
- Confirm in writing that they are eligible to apply for the position of Parish Councillor and are not disqualified²

Following receipt of applications, the next suitable Full Council meeting will include an agenda item '*To receive written applications for the office of Parish Councillor and to co-opt a candidate to fill the existing vacancy*'.

Eligible candidates will be invited to attend the meeting. Copies of the eligible candidates' applications will be circulated to all Parish Councillors by the Clerk at least 3 clear days prior to the meeting.

All such documents will be treated as strictly private and confidential.

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 at the meeting in order to be able to speak and vote.

² The Clerk will circulate full information about eligibility to the candidate beforehand, as well as the NALC's Good Councillor's Guide and information about the Parish Council and its Councillor Induction Programme.

7. Co-option Procedure during the Council Meeting

At the meeting, candidates will be given a maximum of five minutes to introduce themselves, give information on their background and experience and explain why they wish to become a member of the Council. The process will be carried out during the public session, but the Council may consider requests from any candidates to give their presentation without any other candidates being present. Where an applicant is unable to attend in person, the written application will be considered.

The chair shall allow questions from Councillors for each candidate; and Councillors may decide to defer consideration of the application to a later meeting (for example, to allow a candidate to attend meetings to observe them and to improve their knowledge of council business before continuing their application).

When all the nominees who wish to, have spoken, the Chair shall seek proposers and seconders for each nomination (as stated in Section 4 above, Councillors are not obliged to nominate anyone, and may also choose to defer the consideration of any applications at this stage).

Where the number of applicants does not exceed the number of vacant seats, each applicant in turn must be proposed and seconded by a Councillor and then, in order to be co-opted, must receive a majority vote from those Councillors present and voting. The chair would have the casting vote in the event of a tie.

Where there are more applicants than vacant seats, Councillors may propose or second no more candidates than the number of vacant seats. If there is only one vacancy, a Councillor may only propose or second one candidate.

Once nominations are received and there are not enough vacant seats for all nominees, voting to fill each vacancy will take place. This must comply with the Council's Standing Orders and will be carried out by a show of hands. The Chair will put the names of those nominated into alphabetical order and take a vote. Councillors only have one vote each. The first candidate to receive an absolute majority (over 50%) of those present and voting is declared elected. Should no single candidate receive a majority on the first vote, the person with the lowest number of votes is eliminated. Voting takes place on the remainder of the candidates (one vote per Councillor) until one person receives an absolute majority. A tie in votes may be settled by the casting vote exercisable by the chair of the meeting.

If present, each candidate that 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.

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 unlawful (Local Government Act 1972 Sch 12, para 10(3)).

Where appropriate, they may also be appointed to any Committee.

If an absent candidate is successful, members must agree to the signing of the Declaration of Acceptance of Office before or at the very start of the next meeting.

New Councillors will also be made aware that a Register of Members' Interests Form needs to be completed within 28 days of co-option.

The Clerk will notify BDC of the co-option of the new Parish Councillor(s) and send them their Register of Members' Interests Forms in due course.

If insufficient candidates are co-opted, the process should continue, whereby the vacancies are again advertised.

Adopted by Bentley Parish Council – 5 March 2026