

CO-OPTION PROCEDURE

Introduction

It is better for democracy if councillors are elected rather than relying on co-option, so they can be confident that the council is the community's choice of representatives

An ordinary election occurs every four years, but in between elections, Councillors may leave for a variety of reasons and there may be a requirement for an election when a seat falls vacant.

If a Councillor decides to resign, they must write to the Chairman, whilst the Chairman resigns by writing to the Council. This creates a 'casual vacancy'.

If a 'casual vacancy' occurs between elections the Council must find out if the electors want an election before they can co-opt.

The Local Elections (Parishes and Communities) (England and Wales) Rules, 2006 state:

Filling of 'casual vacancies'

1. *A request may be made in accordance with paragraph 2 for an election to fill a casual vacancy in the office of a parish or community councillor.*
2. *Any request must be made:*
 - a. *to the Proper Officer of the council of the district in which the parish is situate or the county or county borough in which the community is situate,*
 - b. *by 10 persons who are named on the register, in use at the time of the request, as local government electors for the electoral area in which the vacancy has occurred, and*
 - c. *within 14 days (computed in accordance with rule 2 of the elections rules in Schedule 2 to these Rules) after public notice of the vacancy has been given in accordance with section 87(2) of the Local Government Act 1972.*
3. *An election must be held, if requested in accordance with paragraph 2, if the casual vacancy in the office of the parish or community councillor occurs other than within six months before the day on which that councillor would regularly have retired.*
4. *Where a casual vacancy in any such office is required to be filled by election, the election must be held on a day appointed by the returning officer, being a day falling within the period of 60 days (so computed) beginning with the day on which public notice of the vacancy was given.*
5. *Subject to paragraph 6 below, where a casual vacancy in any such office is not required to be filled by election, the parish or community council must, as soon as practicable after the expiry of the period of 14 days referred to in paragraph 2c, co-opt a person to fill the vacancy.*
6. *In the case of a casual vacancy occurring in the office of a parish or community councillor within six months before the day on which that councillor would regularly have retired, paragraph 5 shall have effect with the substitution of the word "may" for "must"; and any vacancy not so filled must be filled at the next ordinary election.*

The Proper Officer/Parish Clerk should contact the Returning Officer, Democratic Services Department @ NWLDC for guidance.



Co-Option

Co-option is the process by which the Parish Council selects a new Councillor, and it is included as an agenda item within a regular Parish Council meeting.

The Parish Council manages the process of co-option and must strive to demonstrate that the process is fair and equitable by following the procedure set out below:

Procedure:

1. A potential Councillor must as a first step meet the Qualification criteria and not any of the Disqualification criteria as set out by the Electoral Commission and the Representation of the People Act 1983. This will prevent unqualified Councillors from being co-opted.
2. The Parish Council invites interested candidates to write to the Clerk by a specified date. If there is only one applicant for one vacancy, the applicant is automatically co-opted to the Parish Council. If there is more than one candidate, the letters received are circulated to Councillors ahead of the meeting at which a Parish Councillor is to be co-opted. These letters form part of the meeting pack which Councillors receive for every Parish Council meeting.
3. At the Parish Council meeting candidates are invited to address the Council and Councillors can ask questions of the candidates. Each candidate will be allocated a maximum of five minutes.
4. In a closed session of the Parish Council without the public present, members consider the candidates and, following the discussion, the public are invited back into the meeting before the voting takes place.
5. The Chairman will request the Councillors present to nominate any of the candidates. Candidates will require a proposer and seconder to progress to the voting stage. If there is only one vacancy, a Councillor may only nominate or second one candidate. One candidate needs to receive an absolute majority of votes.
6. The Chairman will then place the names of those nominated into alphabetical order and proceed to vote. Councillors will have one vote per vacancy to be filled.
7. Voting will be in accordance with Standing Orders by a voting sheet or show of hands and will continue until one candidate has received an absolute majority of those Councillors present. At this stage, the successful candidate will be declared co-opted.
8. Should no single candidate receive a majority on the first vote, the candidate with the lowest number of votes is eliminated. Voting will then take place for the remaining candidates until one person receives an absolute majority.
9. The successful candidate is then declared co-opted to the Parish Council and will be asked to join the meeting.
10. The successful candidate is a Councillor in their own right and is no different to any other member; co-option is a legitimate form of election as part of the election process.