



# Fulford

## Parish Council

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## CO-OPTION POLICY

### INTRODUCTION

This policy sets out the procedure to ensure there is compliance with legislation and continuity of procedures in the co-option of members to the Parish Council. The co-option procedure is entirely managed by the Parish Council and this policy will ensure that a fair and equitable process is carried out.

### CO-OPTION

The co-option of a parish councillor occurs in two instances:

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

#### Ordinary vacancy

An ordinary vacancy occurs when there are insufficient candidates to fill all the seats on the 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. If the parish councillors do not constitute a quorum, the Unitary Authority, the City of York Council, may intervene and make an appointment or order an election to fill the vacancies.

#### Casual vacancy

A casual vacancy occurs when:

- A councillor fails to make his 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 (6) months to attend meetings of a council, of a council committee or sub-committee or to attend as a representative of the council a meeting of an outside body.

The Parish Council needs to resolve to advertise a vacancy. It has to notify the Local 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 City of York Council stating that an election is requested.

If a by-election is called, the people of the parish will be asked to go to the polls to vote for candidates who will have put themselves forward by way of a nomination paper. The Parish Council will pay the costs of the election. The people of the parish have fourteen days (not including weekends, bank holidays and other notable days), to claim the by-election, but the Electoral Services of the City of York Council will advise the Clerk of the closing date.

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

## CONFIRMATION OF CO-OPTION

On receipt of written confirmation from Electoral Services that no by-election has been claimed, the casual vacancy can be filled by means of co-option. The Clerk will advertise the vacancy for 10 working days or such other period as the Parish Council may agree on the Parish Council notice boards and website.

Members may point out the vacancies and the process to any qualifying candidate(s). Candidates canvassing Council members or found to be offering inducements of any kind will be disqualified.

This procedure will also apply in the case of an ordinary vacancy where the Electoral Services has confirmed that there were insufficient nominations to fill all the seats but there are sufficient parish councillors elected to constitute a quorum.

### **ELIGIBILITY OF CANDIDATES**

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

- they are 18 or over; and
- they are a British citizen, a qualifying Commonwealth citizen or a citizen of any other member state of the European Union;

and at least one of the following apply:

- they are an elector for the Parish and continues to be an elector; or
- have resided in the Parish for the past twelve months or rented/tenanted land in the Parish; or
- have had their principal or only place of work in the Parish for the past twelve months; or
- have lived within three miles of the Parish for the past twelve months.

There are certain disqualifications for being a parish councillor, of which the main are (see s80 of the Local Government Act 1972):

- 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; or
- being disqualified under any enactment relating to corrupt or illegal electoral practices.

### **APPLICATIONS**

Candidates will be requested to:

- Attend at least one Parish Council meeting as observers; unless they have recently attended a meeting;
- Submit information about themselves detailing any experience they may have that is relevant to Fulford Parish Council, by way of completing a short application letter or email;
- Confirm their eligibility for the position of parish councillor within the statutory rules (a copy of the eligibility form is attached as Appendix A).

Following receipt of applications and after at least 10 working days have expired, the next suitable Parish Council meeting will have an agenda item to consider 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.

Candidates will be sent a full agenda of the meeting at which they are to be considered for appointment, and will be informed they may, if they so wish speak for up to 3 minutes about their application during the public session preceding the co-option item on the agenda at 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 of the full Parish Council, when the co-option will be considered.

All such documents will be treated by the Clerk and all parish councillors as strictly private and confidential.

### **AT THE CO-OPTION MEETING**

At the co-option meeting, candidates will be given three 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. However, where the Parish Council is discussing the candidates, the Parish Council should resolve to exclude the members of the press and public.

The council is not obliged to co-opt 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.

The Chairman shall seek proposers and seconders for each nomination. Voting shall take place in public.

*If a vote is taking place, where more than two persons have been nominated for a position to be filled by the council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. A tie in votes may be settled by the casting vote exercisable by the chairman of the meeting.*

### **Canvassing of and recommendations by Councillors**

Canvassing councillors by the candidate or by Councillors, directly or indirectly, for appointment to or by the Council shall disqualify the candidate from appointment.

After the vote has been concluded, the chairman will declare the successful candidate(s) duly elected. A Member elected by co-option is a full member of the council.

If present, a candidate who is co-opted will sign at the co-option meeting 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. The successful candidate(s) must sign their Declaration of Acceptance of Office before they can act as a councillor.

The Clerk will notify the City of York Council Electoral Services of the co-option of the new parish councillor.

The co-opted parish councillor will complete a Register of Interests form within 28 days of the co-option which the Clerk will lodge with the Monitoring Officer at the City of York Council.

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

Adopted at Fulford Parish Council meeting 26 June 2024.

Date Next Review: 2026.

## APPENDIX A



### LEGAL DECLARATION OF QUALIFICATION TO HOLD PUBLIC OFFICE AS A LOCAL COUNCILLOR

Where a local council is undertaking the process of co-option of a councillor to the authority, it is duty bound to ensure that the person(s) appointed are eligible to hold office as a local councillor. The qualifications and disqualifications are contained in the Local Government Act 1972, Sections 79 and 80.

Please complete the following declaration form and return it to the Clerk to the Council

.....  
.....by (*insert date*).

#### Qualifications

**Please indicate which qualifications are applicable to you:**

You have the required citizenship (s.79 LGA 1972) ☐

You are 18 years of age or over ☐

**and**

At the date of application to the parish council you are a local government elector for the parish of Fulford. ☐

**or**

At the date of application to the parish council you have, during the whole of the twelve months preceding that day, occupied as owner or tenant of any land or other premises in the parish: ☐

**or**

At the date of application to the parish council you have, during the whole the twelve months preceding that day, had your principal or only place or work in the parish: ☐

**or**

At the date of application to the parish council you have, during the whole the twelve months preceding that day, resided in the parish or within three miles of it: ☐

(**Please note** that you do not have to meet all of these qualifications. To be eligible you must be 18 or over and must also meet one of the other provisions. However, it would be helpful if you could indicate all of those which apply).

#### Disqualifications

You hold any paid office with the parish council Yes ☐ No ☐

You are the subject of a Bankruptcy Restrictions Order or Interim Order, or a Debt Relief Restrictions Order or an Interim Debt Relief Restrictions order under Schedule 4ZB of the Insolvency Act 1986. Yes ☐ No ☐

You have within five years prior to the day of your prospective appointment to the council been convicted in the United Kingdom, the Channel Isles or the Isle of Man, of any offence *and* have

had passed on you a sentence of imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine. Yes ☐ No ☐

You are disqualified from being elected or from being a member of Fulford Parish Council under Part III of the Representation of the People Act 1983 or under the Audit Commission Act 1998. Yes ☐ No ☐

You are subject to the notification requirements of Part 2 of the Sexual Offences Act 2003 (this applies to persons subject to relevant notification requirements or an order made on or after 28 June 2022). Yes ☐ No ☐

(If you are subject to any of these disqualifications you will not be able to hold public office as a parish councillor until the disqualification is no longer effective).

Fulford Parish Council confirms that it is duty bound to treat this information as strictly confidential.

Signature of Candidate: \_\_\_\_\_

Printed Name of Candidate: \_\_\_\_\_

Date: \_\_\_\_\_