

The Orchards' and Margaret Marsh Parish Council

CO-OPTION POLICY AND PROCEDURES

1. Introduction

This policy is broadly based on the National Association of Local Councils (NALC) Legal Briefing L15-08 – Good Practice for the Selection of Candidates for Co-option to Local Councils.

Town and Parish Councils are permitted to exercise the power to co-opt a person onto the Council to fill a casual vacancy when the requirements to hold an election have not been met (i.e. the vacancy has been the subject of a public notice and fewer than 10 registered electors have requested an election by a deadline date specified by the Dorset Council Returning Officer). Although seeking 'expressions of interest' is not a legal requirement, NALC recommends that councils always give public notice of vacancies because this makes the process of co-option open and transparent and should attract more potential candidates.

Whenever the need for co-option arises, The Orchards' and Margaret Marsh Parish Council will seek and encourage applications from anyone in the wards who is eligible to stand as a parish councillor. Councillors or parishioners can legally approach individuals to suggest that they might wish to consider putting their names forward for co-option.

The notice to co-opt will include: the method by which applications can be made; the closing date for all applications; a contact point to obtain more information; and where information can be sourced electronically.

The co-option policy will be reviewed at the beginning of each new Council term (usually four years). Within the unitary authority of Dorset, all councillors were elected in May 2024, with new whole council elections then taking place once every four years from 2029.

2. Co-option – Route 1

In an election year, if insufficient candidates are elected and vacancies remain, it is permissible to co-opt without the need for any further statutory notices, as the election process has already deemed that there are vacancies.

If a possible candidate, whether a new or returning councillor, missed the election application deadline, they can be co-opted at the first Annual Meeting of the Council or any subsequent meeting of the Council whilst the same vacancy or vacancies remain unfilled. Once the Council has appointed the required number of Councillors, this ruling becomes redundant. See Route 2.

3. Co-option – Route 2

Subsequent vacancies must be filled by the formal process for a 'Casual Vacancy'. A casual vacancy occurs when one of the following events arises during the Council's term of office:

- 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 a meeting when summoned to do so, and their apologies are not accepted.

In the event of a casual vacancy, The Orchards' and Margaret Marsh Parish Council will notify Dorset Council. Both Dorset Council and the Parish Council will then publish a statutory public notice of the new vacancy on their websites. This is to ensure that potential candidates are notified and that the local electorate has the opportunity to request an election.

If, within fourteen days of that notice, TEN or more electors from the Parish have made a request in writing to the Returning Officer, an election will be held to fill the vacancy.

- a) If the total number of candidates is less than or equal to the number of Councillors required, they will be duly elected without the need for a ballot.
- b) If the number of candidates exceeds the number of Councillors required, a by-election will need to take place. If a by-election is called, a polling station will be organised by Dorset Council, and polling cards will be sent to residents. The Orchards' and Margaret Marsh Parish Council will be expected to pay the costs incurred with a by-election.

If, within fourteen days of that notice, TEN electors have not requested a ballot, Dorset Council will inform The Orchards' and Margaret Marsh Parish Council that they can proceed with co-option. This will involve:

- Advising the Council that the co-option policy has been instigated.
- Advertising the vacancy for four weeks on the council notice boards and website.

4. Applying for a Casual Vacancy

Candidates who are interested in applying for a casual vacancy need to wait until the public notice appears. Candidates can write to the Parish Council directly expressing their interest in the casual vacancy and request that it consider their application when it has the authority to co-opt as above.

5. Eligibility of Candidates

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

- they are on the Parish electoral register; or
- they have resided in the Parish for the past twelve months or rented/tenanted land in the Parish; or
- their principal place of work is in the Parish; or
- they live within three miles (direct) of the Parish.

There are certain disqualifications for election, as follows:

- holding a paid office under the local authority;
- bankruptcy;
- having been sentenced to a term of imprisonment (whether suspended or not) of not fewer than three months, without the option of a fine, during the five years preceding the election;
- being disqualified under any enactment in relation to corrupt or illegal practice.

Eligibility of the candidates will be confirmed at the Parish Council meeting by the Clerk, as per the Local Government Act 1972, S79 and S80.

All eligible candidates will be invited to attend a meeting of the Parish Council following the application deadline. If candidates are unable to attend, the meeting will not be rearranged.

6. Applications

Co-option criteria have been prepared to assist candidates. Please refer to Appendix A. This will provide candidates with guidance on areas they may wish to include on their application forms. Candidates will be requested to:

- confirm their eligibility for the role of parish councillor within the statutory rules (Appendix B), and
- submit information about themselves by completing an application form (Appendix C).

Prior to the Parish Council meeting, applications will be circulated to the Councillors at least three clear days before the meeting. If this is not possible, applications will be tabled at the meeting, and councillors will be allowed time to consider them. All applications will be marked 'strictly confidential'.

7. Parish Council - Co-option Meeting

Applications will be considered at the next Parish Council meeting under an agenda item as follows:

'To receive and consider written applications for the office of Parish Councillor and to co-opt a candidate to fill the vacancy for the Parish'

Where the Council requires time to discuss the merits of candidates and their personal attributes, this will take place in private and prior to the co-option meeting to prevent prejudice. If a candidate is a relative of a councillor, that councillor should declare a prejudicial interest and withdraw from the meeting.

The main interview process will be carried out in a public session:

- Candidates will have five minutes to introduce themselves to members, give information on their background and experience and explain why they wish to become a member of The Orchards' and Margaret Marsh Parish Council.
- After presentations have been made, members will have the opportunity to ask candidates a few questions before proceeding to vote.
- If a candidate is unable to attend the meeting, the application can still be considered and voting will be based on the application only.

The Council will proceed to vote by secret ballot once all candidates have presented their submissions:

- Only those councillors present at the meeting may vote. Votes cannot be made by proxy.
- Councillors will have one vote per vacancy to be filled. The Chair has the casting vote.
- A recorded vote may be requested (Local Government Act 1972, S12(39)).

The way the voting is conducted will be dictated by the number of vacancies and the number of candidates:

- If there is more than one vacancy and the number of candidates equals the number of vacancies, all the vacancies may be filled by a single composite resolution.
- If the number of candidates exceeds the number of vacancies, each vacancy must be filled by a separate vote or a series of votes.

To be elected, a candidate must obtain an absolute majority of votes:

- A majority equals 50% plus 1 of the votes available at the meeting.
- If there are multiple candidates, but no one receives an overall majority, the candidate with the least votes will be asked to withdraw. Voting will then be repeated until a candidate has an absolute majority.

If insufficient candidates come forward for co-option, the process should continue whereby the vacancies are advertised again. However, the Orchards' and Margaret Marsh Parish Council is not obliged to fill all vacancies but must take steps to advertise for further co-options or hold an election, where applicable, to fill vacancies.

Any candidate(s) found to be offering inducements of any kind will be disqualified.

8. Elected Councillors – Co-option

Successful co-opted candidates become councillors with immediate effect and are no different to any other Councillors present at the Council meeting.

Co-opted members will be asked to sign a Declaration of Acceptance of Office and agree to abide by the Local Government Code of Conduct introduced under the Localism Act 2011. They may take their seat at the Council and can be appointed to roles and committees.

Where a successful candidate was unable to attend the co-option meeting in person, they will need to agree and sign the Declaration of Office in accordance with the Local Government Act 1972, section 83(3), either before or at the next Parish Council meeting.

The Clerk will notify Electoral Services of the new councillor appointment and initiate 'Acceptance of Office' paperwork and 'Registration of Interests' within twenty-eight days of being elected.

9. Review

The next review date is November 2026.

10. Adoption

This policy was reviewed and adopted by The Orchards and Margaret Marsh Parish Council at the meeting held on Thursday, 20th March 2025.

**Signed: Cllr G Stokes, Chair
Chair, The Orchards' and Margaret Marsh Parish Council**

Date: 20th March 2025

11. Sources and References

Data Protection Act 2018
Employment Rights Act 1996
Equality Act 2010
Local Government Act 1972, S12 (39), S79, S80, S83(3)
Local Government and Public Involvement in Health Act 2007, S89(2), S95
Localism Act 2011
NALC Legal Briefing L15-08
Representation of the People Act 1983, S21, S135
The Human Rights Act 1998
The Local Elections (Parishes and Communities) (England and Wales) Rules 2006

12. Revision History

No	Change Type	Updated By	Change Summary	Approval Date
1	Original	OMMPC	Created	11/2021
2	Review	OMMPC	Explanations updated	2/2023
3	Revised	OMMPC	Legislation Update	3/2025

APPENDIX A

COUNCILLOR PERSON SPECIFICATION

COMPETENCY	ESSENTIAL	DESIRABLE
Personal Attributes	<ul style="list-style-type: none">• Sound knowledge and understanding of local affairs and the local community.• Forward thinking.• Proactive and inquisitive attitude.	<ul style="list-style-type: none">• Can bring a new skill, expertise or key local knowledge to the Council
Experience, Skills, Knowledge and Ability	<ul style="list-style-type: none">• Ability to listen constructively.• A good team player.• Ability to undertake a variety of projects.• An interest in local matters.• Ability and willingness to represent the Council and its community.• Good interpersonal skills and ability to contribute opinions at meetings whilst willing to hear others' views and accept majority decisions.• Ability to communicate succinctly and clearly, including through email correspondence.• Ability and willingness to work closely with other members and to maintain good working relationships with all members and staff.• Ability and willingness to work with the Council's partners (e.g. voluntary groups, other Parish Councils, principal authority, charities).• Ability and willingness to undertake induction training and other relevant training, including online training.• Ability and willingness to attend meetings of the Council.• Ability and willingness to represent the Parish Council at other meetings, as necessary• Basic IT skills.	<ul style="list-style-type: none">• Experience of working with voluntary and or local community/interest groups.• Basic knowledge of legal issues relating to Parish Councils or Local Authorities• Experience in delivering presentations.

APPENDIX B

COUNCILLOR ELIGIBILITY FORM

<i>Under the Local Government Act 1972, section 79 and section 80, the Parish Council may consider any person to fill a vacancy provided that meets the following criteria:</i>	
Are you a British subject, citizen of the Commonwealth?	Yes/No
On the 'relevant date' (i.e. the day on which you are nominated or if there is a poll on the day of election) are you 18 years of age or over?	Yes/No
<i>Under the Local Government Act 1972, section 79 and section 80, the Parish Council may consider any person to fill a vacancy provided that meets at least one of the following criteria:</i>	
Are you registered as a local government elector within the Orchards & Margaret Marsh Parish of the Parish Council?	Yes/No
During the whole of the twelve months preceding the date of your co-option, have you occupied as owner or tenant, land or other premises within the Orchards & Margaret Marsh Parish	Yes/No
During the whole twelve months preceding your co-option, has your principal or only place of work been within the Orchards & Margaret Marsh Parish?	Yes/No
During the whole of the twelve months preceding your co-option, have you lived in the Parish or within three miles of the Parish?	Yes/No
<i>Under the Local Government Act 1972, section 80, a person is disqualified from being elected as a local councillor or being a member of a local council if subject to any of the following criteria:</i>	
Are you the subject of a bankruptcy restrictions order or interim order?	Yes/No
Within the last five years, have you been convicted of an offence in the UK, Channel Islands or the Isle of Man which resulted in a sentence of imprisonment (whether suspended or not) for a period of three months or more, without the option of a fine?	Yes/No
Are you disqualified by order of a court from being a member of a local authority?	Yes/No

Declaration

I, *please insert full name* ,
hereby confirm that I am eligible for the vacancy of The Orchards' and Margaret Marsh Parish Councillor and the information given on this form is a true and accurate record.

Signed:

Date

APPENDIX C

PARISH COUNCIL CO-OPTION APPLICATION FORM

First Name	
Surname	
Address, including postcode	
Mobile	
Landline	
Email	

Eligibility

Please ensure you have completed and attached the Councillor Eligibility Form to this application.

Please tell us about what experience you can bring to The Orchards' and Margaret Marsh Parish Council - for example, previous local government experience, work in the voluntary or charitable sector and/or business.

(Please expand the answer boxes as required)

Please tell us about the skills that you can bring to the Parish Council - for example, professional qualifications, financial or project management expertise.

Please explain why you are interested in becoming a parish councillor.

Please include any other information you would like to add in support of your application.
Are there any questions that you would like to ask the Parish Council?
DECLARATION I declare that the information I have provided in this application is, to the best of my knowledge, accurate and true. Signature: Date: Print Name:
PRIVACY NOTICE The Orchards' and Margaret Marsh Parish Council is committed to protecting and respecting the privacy of everyone and ensuring it is fully compliant under the General Data Protection Regulations and the Data Protection Act 2018. We process your personal data in accordance with UK law. Please see the privacy notice on our website [http://www.theorchardsandmargaretmarsh-pc.org.uk], which details how we process data.
Please send the completed eligibility and application forms to the Parish Clerk by email to: clerk@theorchardsandmargaretmarsh-pc.org.uk

For official use only:

<i>Application checked</i>	
<i>Application acknowledged</i>	
<i>Eligibility checked</i>	
<i>Date of committee meeting</i>	
<i>Application decision Yes/No</i>	
<i>Applicant notified of decision</i>	