

# **TOLLESHUNT D'ARCY PARISH COUNCIL CO-OPTION POLICY V3.0**

## **Introduction**

- 1) This policy sets out the procedures to ensure compliance with legislation and continuity of procedures in the Co-option of members to Tolleshunt D'Arcy Parish Council.
- 2) The Co-option process is entirely managed by Tolleshunt D'Arcy Parish Council.
- 3) The Principal Authority for Tolleshunt Darcy Parish Council is Maldon District Council.

## **Co-Option**

The Co-option of a Councillor at Tolleshunt D'Arcy Parish Council occurs when a casual vacancy has arisen on the Council or in an election year a Parish vacancy has not been filled via the election process.

A Councillor fails to make their declaration of acceptance of office at the proper time;

- A Councillors resigns;
- A Councillor dies;
- A councillor becomes disqualified
- A Councillor fails for 6 months to attend meetings of a council, committee or sub-committee or to attend as a representative of the Council at a meeting of an outside body (Local Government Act 1972, Section 85). Reasons for absence must be formally approved by the Council and minuted. Simply sending apologies is not sufficient.

Tolleshunt D'Arcy Parish Council must notify the Principal Authority of a casual vacancy and then advertise the vacancy and give electors the opportunity to request an election. In that instance ten electors of the Parish should each submit a request in writing.

In filling a vacancy by Co-option, the Parish Council is not obliged to consider the claims of candidates who were unsuccessful at a previous election.

## **Qualification to be a Councillor**

Tolleshunt D'Arcy Parish Council is able to consider any person to fill a vacancy provided that they are a British Citizen, an eligible Commonwealth citizen, or a citizen of the Republic of Ireland, a qualifying EU citizen or a EU citizen with retained rights and on the day of nomination or election they are at least 18 years old and:

- On the relevant day and thereafter they continue to be on the electoral register for the Parish: -or
- They have for the whole of the 2 months before that day occupied as owner or tenant land or other premises in the Parish; or
- Their principal place of work during those same 12 months has been in the Parish; or

- They have lived either in the Parish or within 3 miles of it during the whole of those same 12 months.

There are certain disqualifications for Co-option, of which the main are:

- Holding a paid office under the local authority;
- Being the subject of a bankruptcy restrictions order;
- Having been sentenced to a term of imprisonment (whether suspended or not) of no less than 3 months, without the option of a fine during the 5 years preceding the election; and
- Having been disqualified under any enactment relating to corrupt or illegal practices.
- Being subject to the notification requirement of or under Part 2 of the Sexual Offences Act 2003, and in the ordinary period allowed for making an appeal or application in respect of the order or notification has passed.

### **Confirmation of Co-Option**

To ensure that a fair and transparent process is undertaken, the procedure below will be followed by Tolleshunt D’Arcy Parish Council.

- 1 On receipt, of written confirmation, from the Electoral Service of the District Council, the casual vacancy can be filled by means of Co-option, in this instance the Clerk will:
  - a. Advertise the vacancy for two weeks on the Councils noticeboards and website;
  - b. Advise the Council that the Co-option policy has been instigated by sending an email to all Councillors.
- 2 Applicants for Co-option will be asked to
  - a. Provide information about themselves by way of a letter of introduction.
  - b. Confirm their eligibility for the position of Councillor within the statutory rules.
- 3 Applicants will be encouraged to attend a minimum of one Council, Committee and Working Party meeting in advance of Co-option taking place to ensure they are comfortable with the Council’s processes and happy to move forward with their application.
- 4 Copies of the candidate’s details from 4.2(a) will be circulated to all Councillors by the Clerk at least 7 days prior to a meeting of the full council where the Co-option will be considered. All such documents will be treated by the Clerk and Councillors as strictly private and confidential.
- 5 Voting must not be undertaken “in Committee” and will be according to the statutory requirements, in that, a successful candidate must have received an absolute majority vote of those present and voting.

6. There will be a separate item on the Parish Council meeting Agenda to deal with the applications.
7. Each applicant will be invited to attend the Parish Council meeting to present themselves to the Parish Council and to allow the Councillors present to ask them any questions in the open meeting.
8. If an applicant does not present themselves to the Parish Council meeting and they cannot provide a valid reason for not attending then they will not be considered for the vacancy/vacancies.
9. The Parish Council will resolve to exclude members of the press, public and candidates under the Public Bodies (Admission to Meetings) Act 1960 to enable it to discuss the merits or otherwise of the applicants.
10. The Parish Council meeting will then reconvene as an open meeting, and a vote will take place in accordance with the adopted voting protocol (Standing Order 8) The successful candidate should receive an absolute majority vote of those present and voting. So if there are more than two candidates for the vacancy and none of them at the first vote have the overall majority, the candidate with the fewest votes should be eliminated and the remainder put to the vote again. This process will be repeated as necessary until one candidate has an overall majority. The Chair has a second and casting vote in the event of a tie.

If there is only one candidate for one vacancy, they are not automatically co-opted, but a yes/no vote will take place. Should no candidate be deemed suitable, then the Parish Council can declare a no contest and arrange for the process to be re-run in the future.

11. The Chair will declare the result. The successful candidate is then declared co-opted to the council. The candidate will sign the Acceptance of Office and join the meeting.
12. The result will be recorded in the Minutes of the Parish Council meeting.
13. The Parish Clerk will notify all Parish Councillors of the voting count and the result of the selection process as soon as possible afterwards.
14. No feedback will be given to any applicant in respect of the Parish Council discussions that took place in the closed part of the meeting unless agreed by the Parish Council.
15. The Parish Clerk will notify the Principal Authority of the co-option as soon as possible afterwards.
16. The successful applicant(s) will be provided with an electronic copy of the following:
  - 1) A copy of the Parish Councils Standing Orders.
  - 2) A copy of the Parish Councils Financial Regulations
  - 3) A copy of the Parish Councils Code of Conduct.
  - 4) A copy of the map showing the Parish boundary.
  - 5) A copy of the set of the Good Councillors Guide.
17. The successful candidate to complete the Register of Interest online via a link provided by the Parish Clerk. This form must be completed within 28 days.

18 If for any reason whatsoever an applicant(s) is not selected then the vacancy/vacancies will be re-advertised in accordance with this procedure.

- The co-option meeting will be arranged on an occasion when as many Councillors as possible can attend.

Adopted: February 2022

Last Reviewed: January 2026

Next Review: January 2027

Policy Review History

Version	Details of Changes	Date	Approver
V1.0	Adopted	22/02/2022	TDPC
V2.0	Reviewed and brought in line with the new guidance from the Electoral Commission	07/01/2025	TDPC
V3.0	Reviewed and updated – Changed adopted by the Full Council	07/01/2026	TDPC
	<b>Next Review: January 2027</b>		