

# WELLOW PARISH COUNCIL

BATHAVON SOUTH WARD, BATH & NORTH-EAST SOMERSET

[www.wellowparish.info](http://www.wellowparish.info)

## Co-option Policy

Reviewed and Approved:

### 1. Introduction

1.1 This policy is based on NALC Legal Briefing L15-08 – Good Practice for the Selection of Candidates for Co-option to Local Councils. Parish Councils are permitted to exercise the power to co-opt a person on to 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 less than 10 registered electors have requested an election by a deadline date specified by Bath and North East Somerset Electoral Officer).

### 2. Casual Vacancy

2.1 According to section 87 of the Act 1972, the 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 to attend meeting for six consecutive months.

### 3. Co-option.

3.1 If no by-election is called, the council must as soon as practicable after the expiry of the 14 day period fill the vacancy by co-option.

### 4. Eligibility of Candidates

4.1 The parish council can consider any person to fill a vacancy provided that:

- he/she is an elector for the parish; or
- has resided in the parish for the past twelve months or rented/tenanted land in the parish; or
- had his/her principal place of work in the parish; or
- has lived within three miles (direct) of the parish.

4.2 There are certain disqualifications for election, as follows:

- 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 five years preceding the election;
- being disqualified by order of a court from being a member of a local authority
- being disqualified under any enactment relation to corrupt or illegal practice.

4.3 Eligibility of the candidates will be confirmed at Full Council by the Clerk, as per the Local Government Act 1972, s79 and s80.

- 4.4 All eligible candidates will be invited to attend a meeting of the Full Council following the application deadline. If candidates are unable to attend, the meeting will not be rearranged.
- 4.5 A local council may wish to indicate that people with specific skills and expertise (e.g. planning, fundraising, environment, project management) are particularly welcome to apply. This should not be part of the formal notice and it must be clear that people without those skills are still eligible to apply. In cases where there are more candidates than vacancies, a council will need to fairly consider who to co-opt and such skills and expertise may be taken into account according to a council's particular needs.

## **5. Applications**

- 5.1 Candidates will be requested to:
- confirm their eligibility for the position of parish councillor within the statutory rules, please refer to Appendix A; and
  - submit information about themselves by completing an application form, please refer to Appendix B.

## **6. Decision making**

- 6.1 Decisions made by the council about whether or not to co-opt when vacancies remain unfilled after an ordinary election and who to co-opt when any casual vacancy arises should be transparent.
- 6.2 Successful co-opted candidates become a Councillor with immediate effect. They may remain in the meeting and take part in discussion, however will not be entitled to vote until they have signed a Declaration of Acceptance of Office as detailed in 6.3
- 6.3 Co-opted members will be asked to sign a Declaration of Acceptance of Office in accordance with section 83(4) of the 1972 Act in the presence of another councillor or the clerk and accept to comply with Wellow Parish Council Code of Conduct. They may take their seat at Council and are then able to be appointed to a committee. The declaration must be delivered before or at the first meeting of the council. If a councillor fails to deliver the signed declaration, he thereupon vacates office and a casual vacancy arises. There is no provision allowing a declaration to be delivered retrospectively.

**Appendix A**

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<b>Councillor Co-option Eligibility Form</b>		
	To qualify you must be able to answer 'Yes' to both of the questions below	
1	Are you a British subject, citizen of the Commonwealth or a citizen of the European Union	Yes/No
2	Are you 18 or over?	Yes/No
3	To qualify you must be able to answer 'Yes' to at least one of the questions below)	
	a) Are you on the electoral register for parish of Wellow?	Yes/No
	b) Have you lived either in the parish of Wellow, or within three miles of its boundary, for at least a year?	Yes/No
	c) Have you been the owner or tenant of land in the parish of Wellow for at least a year?	Yes/No
	d) Have you had your only or main place of work in the parish of Wellow for at least a year?	Yes/No
4	You must be able to answer No to all of the questions below to be eligible to serve as a councillor)	
	a) Are you the subject of a bankruptcy restrictions order or interim order?	Yes/No
	b) Have you within the last five years been convicted of an offence in the UK, the 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
	c) Are you disqualified by order of a court from being a member of a local authority?	Yes/No
	d) You have been convicted for the failure to register or declare disclosable interest under the Localism Act 2011 (England)	Yes/No
5	<b>Declaration</b> I,....., hereby confirm that I am eligible for the vacancy of Wellow Parish Councillor, and the information given on this form is a true and accurate record.	
	Signature:	
	Print name:	Date:

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<b>Application for Co-option (Casual Vacancy - Councillor)</b>	
<b>First Name</b>	
<b>Surname</b>	
<b>Address including postcode</b>	
<b>Telephone numbers</b>	
<b>Mobile</b>	
<b>Landline</b>	
<b>Email address</b>	
Please tell us something about what experience you can bring to Wellow Parish Council; for example, previous local government experience, work in the voluntary or charitable sector, business or trade union experience. Please continue on an additional page, if required.	

Please tell us something about the skills that you can bring to Wellow Parish Council; for example, professional qualifications, financial or project management expertise. Please continue on an additional page, if required.

Please include any other information you would like to add in support of your application. Please continue on an additional page, if required.

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:**

**Print Name:**

**Date:**

Please email completed applications,  
including the co-option eligibility form  
to Wellow Parish council Clerk:

[clerk@wellowparishcouncil.org.uk](mailto:clerk@wellowparishcouncil.org.uk)

Tel: 07988192619