



## CO-OPTION POLICY AND PROCEDURE

### Wilmington Parish Council- 'the Council'

#### 1.0 Introduction

1.1 There are two instances where the Council may fill a vacancy by co-option.

- Insufficiency of candidates at an ordinary election (currently every 4 years) provides the Council with authority to exercise its rights to co-opt any person or persons to fill any vacancies provided this is done within 35 days following the date of said ordinary election.
- The co-option of a Parish Councillor occurs when a Casual vacancy has arisen on the Council and no poll (by-election) has been called.

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 committee or subcommittee or to attend as a representative of the Council at a meeting of an outside body

1.2 The Council must notify Dartford Borough Council of a Casual Vacancy and then advertise the vacancy and give electors the opportunity to request an election. This occurs when ten (10) electors registered in the ward (of the vacancy) concerned write to Dartford Borough Council stating that an election is requested. They have fourteen days (not including weekends, bank holidays and other notable days), to claim the by-election.

1.3 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.

1.4 If a by-election is called, polling station(s) will be set up by Dartford Borough Council within 60 working days and the electors of the relevant ward will be asked to go to the polls to vote for those candidates who have put themselves forward by way of a nomination paper. The Council will pay the costs of the election.

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

1.6 On receipt of written confirmation from Dartford Borough Council Electoral Services, the casual vacancy can be filled by means of co-option and the Council will use the following procedure.

1.7 The co-option policy/procedure will be reviewed every 4 years.

## **2.0 Co-option Application Process**

- 2.1. Whenever the need for co-option arises the Council will seek and encourage applications from anyone in the parish who is eligible to stand as Parish Councillor. Councillors or Parishioners can legally approach individuals to suggest that they might wish to consider putting their names forward for co-option.
- 2.2. The Council will advertise the vacancies in the local area via the Council noticeboards and the Council website.
- 2.3. The advertisement to co-opt will include:
  - The method by which applications can be made;
  - The closing date for all applications
  - The date of the Council meeting at which co-option will occur
  - A contact point to obtain more information;
  - Show that further information is available electronically via the website
- 2.4. The 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.
- 2.5. There are certain disqualifications for election, of which the main are (Local Government Act 1972):
  - holding a paid office under the local authority;
  - 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 under any enactment relating to corrupt or illegal practices.
- 2.6. Eligibility of the candidate(s) will be confirmed by the Clerk.
- 2.7. All eligible candidates will be invited, by letter, to attend the next full Council meeting following the application deadline. This meeting will not be subject to re-scheduling in the event that candidate/s are unable to attend and their application will be considered in their absence
- 2.8. Although there is no Statutory Requirement to do so, applicants for co-option will be asked to:
  - a) submit information about themselves, by completing a short application form (Appendix 1) and written summary covering: their reasons for wishing to be a Councillor; previous community/council work; any other skills they can bring to the Council, their interests and recent career history, similar to that which they would produce if standing for election. and
  - b) confirm their eligibility for the position of Councillor within the statutory rules (a copy of the confirmation of eligibility form is attached as Appendix 2).
- 2.9. To assist candidates with their application the Council may indicate that people with specific skills and expertise (e.g. finance, HR, planning) are particularly welcome to apply.

This will not form part of the formal notice and it should remain clear that people without these skills are still eligible to apply.

- 2.10 Copies of the candidate's application form and supporting material will be anonymised before being circulated to all councillors by the Parish Clerk at least seven days prior to the meeting of the full Council, when the co-option will be considered. All documents will be treated by the Clerk and all Councillors in accordance with Data Protection requirements.
- 2.11 Candidates will be sent a full agenda of the meeting at which they are to be considered for appointment, together with copies of the Code of Conduct, Members & Officers Protocol, Standing Orders and Financial Regulations of the Council.
- 2.12 Applicants may withdraw not later than 24 hours prior to the meeting where the co-options are to be considered by informing the Clerk to the Council in writing (email acceptable)

### **3.0 Co-option and Voting Procedure at Meetings**

- 3.1 An agenda item will be tabled specifically to deal with the co-option. A full list of candidates names and addresses will be given to councillors but candidates will be referred to as Candidate 'A', 'B' and so on during the meeting.
- 3.2 If a Candidate is a relative of a Councillor, that Councillor may declare a prejudicial interest and withdraw from the meeting
- 3.3 The process will be carried out in the public session
- 3.4 However, if the Council is discussing the merits of candidates and inevitably their personal attributes, this could be prejudicial and the Council should resolve to exclude the members of the press and public for the duration of the discussion. Following this, press and public will then be readmitted to the meeting.
- 3.5 The Chair will then take each vacancy in turn and ask councillors to vote on each candidate for that vacancy.
- 3.6 Only Parish Councillors present at the meeting may vote upon a person to fill the vacancy. Councillors will have one vote per vacancy to be filled.
- 3.7 Voting will be according to Standing Orders and by a secret ballot. A successful candidate must have received an absolute majority vote by those Councillors present. (LGA 1972 Sch. 12. Para 39). The Chair has the casting vote.
- 3.10 If there are more than two candidates for one vacancy and not one of them at the first count receives a majority then the Chair shall have the deciding vote
- 3.11 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, but if the number of candidates exceeds the number of vacancies each vacancy must be filled by a separate vote or series of votes.
- 3.12 The Council is not obliged to fill all vacancies but will take steps to advertise for further co-options.

- 3.13 Successfully co-opted candidates become Councillors in their own right, and are no different to any other member.
- 3.14 The co-opted members will be asked to sign a Declaration of Acceptance of Office and agree to be bound by the Council's adopted Code of Conduct by signing said document. They may then take their seat at Council and be appointed to a committee and as a representative to local organisations in the usual way.
- 3.15 Should there be no applicants (2.8-2.10) councillors may nominate individuals to the Clerk who will check they fulfil the criteria and who will issue the nominee with an application form. The voting process (3.1 -3.11) is then applicable.
- 3.16 As soon as practicable following their co-option, members will be invited to attend an Induction and Training session with the Parish Clerk.

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