

WALTON PARISH COUNCIL

CO-OPTION POLICY

1. Introduction

1.1 This policy describes how Walton Parish Council will ensure that its Co-option Policy is accessible, fair, open and transparent.

1.2 Co-option is the process which is followed if a vacancy occurs on the Council through the resignation, disqualification or death of a councillor during their term of office where, following statutory notice of the vacancy, the electorate do not request that a poll (by-election) is held.

1.3 The co-option procedure can also be used if, following the close of nominations for a full parish council election, there are still vacancies to be filled as not enough candidates have put themselves forward for the number of seats available to be filled.

2. Scope

2.1 The policy and its procedures will be applied when a vacancy as described above is required to be filled.

2.2. The policy will be followed by the Clerk, any other relevant employees, all councillors and prospective candidates.

3. The Legal Framework

3.1. The law governing the filling of a casual vacancy by co-option can be found in the Representation of the People Act 1983, Local Elections (Parishes and Communities) (England and Wales) Rule 2006, r.5(5).

3.2 The Local Government Act 1972 ss.70 and 80 (eligibility to take office); s.16 (3) (term of office held until the end of the current term of the other councillors).

3.3. Interpretation of the law and guidance on the procedure for voting in council on casual vacancies can be found at Section 6.15 (page 49-50) of Arnold -Baker on Local Council Administration (Clayden, 2016).

4. Dissemination and Training

4.1 The council will issue this policy to all employees as part of their induction and the policy will be available on the Parish Council website.

4.2 The council will issue this policy to all its members as part of their induction and the policy will be included in the Councillors Information pack.

4.3 This policy will be drawn to the attention of all prospective candidates during the co-option procedure.

4.4 This policy will be published on the Parish Council website.

5. Monitoring and Review

5.1 A review of the policy shall be undertaken annually; necessary amendments will be advised by the Clerk and reviewed by the whole parish council for approval.

6. Procedure

6.1 Advertising the vacancy

6.1.1. Upon notification from Warrington Borough Council Electoral Services that no elector poll has been requested and that a vacancy is eligible to be filled by co-option, the notification of the vacancy will be advertised.

6.1.2 The advertisement must state the rules for eligibility and candidates will be asked to submit an expression of interest together with a short statement explaining their reasons for seeking to become a parish councillor.

6.1.4 The opportunity to respond to the advertisement will be open until the vacancy is filled.

6.2 Application Letters

6.2.1 Application letters will be forwarded to all councillors upon receipt.

6.3 The Co-option Meeting

6.3.1 The co-option meeting will be an agenda item at the next possible meeting or, if necessary, to ensure all candidates are able to attend at the same time.

6.3.2 Candidates will be invited to attend a meeting of the council where a number of questions may be put to each candidate individually. Where possible each candidate will be asked broadly similar questions.

6.3.3 Each candidate will be invited in turn to address the parish council and the other candidates will be requested to wait outside until called.

6.3.4. The Chair will then move to a vote, presenting each candidate in surname alphabetical order. To be co-opted on to the council, the candidate MUST receive an absolute majority of the votes of those present.

6.3.5 If there is more than one vacancy, each vacancy should be filled by a separate vote or series of votes.

6.3.6 The person co-opted must receive a majority of the votes of those councillors present and voting at the meeting where the co-option takes place. Where there are more than two candidates for one vacancy, this rule means that a person must get a majority of votes over all the other candidates. Thus, where candidate A receives 4 votes and candidates B and C each receive 2, A is not elected because he has received the same number of votes as B and C put together and does not have a majority over their combined votes. Where there are more than 2 candidates it is desirable to eliminate the candidate with the least number of votes, so that the final vote is between two candidates only. A tie in votes may be settled by the casting vote of the Chair being exercised.

6.3.7 After the vote has been taken, the Chair should declare the candidate who received the highest number of votes duly elected.

This policy supplements the Parish Council Standing Orders and/or Financial Regulations. It does not in any way override them. This policy was adopted by the full Parish Council at its meeting on 6th March 2025. To be reviewed annually, next March 2026