



# GORING-ON-THAMES PARISH COUNCIL

## CO-OPTION POLICY

### 1. Introduction

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 to fill a vacancy 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 the South Oxfordshire District Council Returning Officer).

Although seeking 'expressions of interest' is not a legal requirement, the National Association of Local Councils (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, Goring-on-Thames Parish Council will seek and encourage applications from anyone who is eligible to stand as a parish councillor. Councillors or parishioners can properly 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.

Sections 2-4 of this Policy are intended solely to reflect the guidance/legislation, referenced in Appendix 2 without any additions or subtractions, and should there be any conflict the Legislation or NALC/OALC/SODC guidance shall take precedence.

Sections 5-6 of this Policy cover matters not defined in detail in the above legislation/guidance and define the process which Goring-on-Thames Parish Council will use to advertise, and receive applications for co-options, and deal with them at a Council meeting. Should there be any conflict the Legislation or NALC/OALC/SODC guidance shall take precedence.

### 2. Co-option - Generally

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 one of the following occurs 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.

Goring-on-Thames Parish Council will notify South Oxfordshire District Council of a casual vacancy and then give public notice of the vacancy to give electors the opportunity to request an election. This occurs when ten electors write to South Oxfordshire District Council stating that an election is requested.

If a by-election is called, an election will be organised by South Oxfordshire District Council. Goring-on-Thames Parish Council will be expected to pay the costs incurred by the by-election, including polling cards.

If more than one candidate is nominated, a poll will take place. When there is the same number of candidates as vacant seats they are duly elected without a poll.

If ten residents do not request an election within fourteen days of the public notice being posted, South Oxfordshire District Council will inform Goring-on-Thames Parish Council that they can proceed with co-option. The process then followed is:

- Clerk advises the councillors that the co-option policy has been instigated.
- Advertise the vacancy, with a deadline, on the Council notice boards and website, and if suitable in Goring Gap News/Genie, etc.

### **3. Co-option – after an ordinary election.**

Insufficiency of candidates at an ordinary election will also provide the Parish Council with authority to exercise its rights to co-opt any person or persons to fill any vacancies. Ideally this will occur within thirty-five days following the date of the ordinary election, but may take longer if no candidates come forward.

### **4. Eligibility of Candidates**

A person is qualified to be a councillor if they are a British, Commonwealth, Irish or European Union citizen and on the relevant day (that is, the day of nomination or election) they are 18 or over.

In addition, the person must meet at least one of the following criteria:

- (1) On the relevant day and thereafter they continue to be on the electoral register for the parish, or
- (2) During the whole of the twelve months before that day they have owned or tenanted land or premises in the parish, or
- (3) During the whole of the twelve months before that day their principal or only place of work has been in the parish, or
- (4) During the whole of the twelve months before that day they have resided in the parish or within three miles of it.

Except for qualification (1), these qualifications then continue for the full term of office, until the next ordinary elections.

There are certain people who are disqualified from being elected to a parish or community council in England and Wales. You cannot be a candidate if at the time of your nomination:

- (1) You are employed by the parish council or hold a paid office under the parish council (including joint boards or committees).
- (2) You are the subject of a bankruptcy restrictions order or interim order.
- (3) You have been sentenced to a term of imprisonment of three months or more (including a suspended sentence), without the option of a fine, during the five years before polling day.
- (4) You have been disqualified under the Representation of the People Act 1983 (which covers corrupt or illegal electoral practices and offences relating to donations). The disqualification for an illegal practice begins from the date the person has been reported guilty by an election court or convicted and lasts for three years. The disqualification for a corrupt practice begins from the date a person has been reported guilty by an election court or convicted and lasts for five years.

As in an election, the candidates must confirm their eligibility or disqualification from becoming a councillor.

## **5. Applications**

Candidates should write to the Parish Council Clerk directly expressing their interest in a casual vacancy and request that the council considers their application when it has authority to co-opt. The Clerk will not inform any councillors or members of the public until the appropriate agenda summons.

To assist candidates, a co-option expression of interest form has been prepared - please refer to Appendix 1. This will provide candidates with guidance on areas they may wish to include on their application.

Candidates will be requested to:

- confirm their eligibility for the position of town councillor within the statutory rules and
- submit information about themselves.
- have their application endorsed by two independent electors of the parish

All eligible candidates will be invited to attend a meeting of the Full Council following the application deadline. If candidates are unable to attend this meeting, and subject to the provisions of the paragraph below, they may be given the opportunity to have their potential appointment decided by the council in their absence, or to attend in person the next meeting. If they cannot attend a second successive meeting, then they must elect either to have their nomination withdrawn or decided upon in their absence.

Where more candidates have made an application than there are vacancies on the council, the meeting to determine which candidate(s) should be elected will be the first Full Council meeting at which one or more of the nominees is able to attend in person, and all candidates, including in absentia, will be considered at that meeting.

Following receipt of application(s) and at the relevant Full Council meeting there will be an agenda item, as follows:

‘To receive and consider written applications for the office of Parish Councillor and to co-opt [name] to fill the vacancy for parish councillor’.

Prior to the Full Council meeting, where applications for co-option will be considered, applications will be circulated to all councillors at least three clear days prior to the meeting, but not prior to the agenda being published. All applications will be marked ‘strictly confidential’ prior to circulation and will not be disclosed to any Councillor or member of the public prior to the agenda being published.

## **6. Co-option Meeting**

The Co-option meeting will be held in open 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 Goring-on-Thames Parish Council.

After introductions have been made, each member will have the opportunity to speak to candidates for up to three minutes for clarification 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.

If a candidate is a relative or close associate of a councillor, it is recommended that the councillor should declare a prejudicial interest and withdraw from the meeting.

When all candidates have finished giving their submissions, the council will proceed to vote with each candidate being proposed and seconded by the councillors in attendance.

Within the open session of the meeting members will vote on the acceptability of each candidate for co-option, the vote will be by a show of hands, unless it is provided otherwise by Council’s Standing Orders. An absolute majority vote in favour is required for each candidate from all members present and entitled to vote. When there are more candidates than vacancies, the candidate with the least number of votes cast will be removed from the list and the vote taken again and again etc. until the number of candidates with a majority of votes in favour equals the number of vacancies. A recorded vote may be requested by any Councillor, as per the Standing Orders.

The Clerk will notify Electoral Services of the new councillor appointment, initiate 'Acceptance of Office' paperwork and 'Registration of Interests' to meet legislative requirements.

If insufficient candidates come forward for co-option, the process should continue whereby the vacancies are advertised again.

If there is more than one vacancy and the number of candidates equals the number of vacancies, there must nevertheless be a vote for each candidate to determine whether an absolute majority of councillors is in favour of that candidate becoming a councillor. Note: if the number of candidates exceeds the number of vacancies each vacancy must be filled by a separate vote or a series of votes.

OALC guidance says "If you have only 1 candidate apply then the Council would have to have good reason not to co-opt them" but NALC guidance says "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" and Rule 5(5) of The Local Government Elections (Parishes and Communities) (England and Wales) Rules 2006 states "the parish ... council must, as soon as practicable ... co-opt a person to fill the vacancy."

Immediately upon co-option the new member(s) shall be bound by the Council's governing documents, including Code of Conduct. Subject to them signing their declaration of acceptance of office they may take their seat at the table and take part in the rest of the meeting as a full member of the council.

Any application can be considered in a candidate(s) absence but, if successful, the co-opted member needs to sign the Declaration of Office in accordance with Local Government Act 1972, section 83(3), either before or at the next Full Council meeting.

## **7. Review**

The Co-option Policy was approved for use at the meeting of the Parish Council on 11<sup>th</sup> November 2024, it shall be reviewed periodically, at least each council term – nominally 4 years, or as legislation dictates.

Signed:

Dated: 11<sup>th</sup> November 2024

Cllr S Lofthouse, Chair

Appendix 1 Expression of interest form  
Appendix 2 Official Guidance and Legislation  
follow.

**APPENDIX 1 – CO-OPTION EXPRESSION OF INTEREST**

Full name	
Home address Inc. Postcode	
Telephone number	
Mobile number	
Email	

**Please tick all qualification criteria you meet.**

Are you a British citizen, a Commonwealth citizen or a citizen of a European Union country?	
Are you 18 or over?	
Are you on the electoral register for the ward of Goring-on-Thames?	
Have you lived either in the ward of Goring-on-Thames, or within three miles of its boundary, for at least a year?	
Have you been the owner or tenant of land in the ward of Goring-on-Thames for at least a year?	
Have you had your only or main place of work in the ward of Goring-on-Thames for at least a year?	

**Please confirm you are not disqualified,**  
(you must be able to say no to all of the following)

**I am / am not disqualified**

Are you the subject of a bankruptcy restrictions order or interim order?
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?
Are you disqualified by order of a court from being a member of a local authority?
Are you subject to any relevant notification requirements or a relevant order in relation to a sexual offence (as set out in the Local Government (Disqualification) Act 2022)

Please briefly outline of why you are interested in being a Parish Councillor. (Use additional paper for the questions if required)
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Please tell us something about the life experience you will bring to the Council, for example, previous local government experience, work in the voluntary or charitable sector, business or trade union experience.

Please tell us something about the skills you feel you will bring to the Council, for example, professional qualifications, financial or project management expertise.

Are there any questions you would like to ask the council?

Signed:

Dated:

Name:

## **Appendix 2 Official Guidance and Legislation**

The process of co-option is defined in guidance:

- The Sep 2023 South Oxfordshire District Council Electoral Services (SODC - Casual Vacancy Process for Parishes)  
[www.southoxon.gov.uk/wp-content/uploads/sites/2/2023/11/Parish-Council-Casual-Vacancy-guidance-updated-September-2023.pdf](http://www.southoxon.gov.uk/wp-content/uploads/sites/2/2023/11/Parish-Council-Casual-Vacancy-guidance-updated-September-2023.pdf)
- The July 2022 National Association of Local Councils (NALC) Legal Technical Note LTN8 Elections and Co-option – see copy at  
[www.goringparishcouncil.gov.uk/members/councillor-vacancies](http://www.goringparishcouncil.gov.uk/members/councillor-vacancies)
- The December 2020 Oxfordshire Association of Local Councils (OALC) good practise note 'OALC Guidance Note: Procedure for filling a Casual Vacancy' see copy in  
[www.goringparishcouncil.gov.uk/members/councillor-vacancies](http://www.goringparishcouncil.gov.uk/members/councillor-vacancies)

and in relevant legislation:

- The Local Government Elections (Parishes and Communities) (England and Wales) Rules 2006  
[www.legislation.gov.uk/uksi/2006/3305/contents](http://www.legislation.gov.uk/uksi/2006/3305/contents)
- Representation of the People Act 1985  
[www.legislation.gov.uk/ukpga/1985/50/contents](http://www.legislation.gov.uk/ukpga/1985/50/contents)
- Representation of the People Act 1983 (as amended)  
<https://www.legislation.gov.uk/ukpga/1983/2/contents>
- Local Government Act 1972  
[www.legislation.gov.uk/ukpga/1972/70/contents](http://www.legislation.gov.uk/ukpga/1972/70/contents)