

Policy Name	Frequency of Review	Date adopted & Minute Ref
Co-Option	Annually	5.8.2020 Minute 20/078
	Two yearly (or if legislation changes)	02.08.2022 Minute 22/114(8)
	Two yearly. This amendment made following advice received from GAPTC with reference to the updated LTN8.	02/11/2022 Minute 22/200

**BOURTON-ON-THE-WATER PARISH COUNCIL  
CO-OPTION POLICY**

**1. INTRODUCTION**

1.1 There are two circumstances under which the Electoral Officer of Cotswold District Council will notify Bourton-on-the-Water Parish Council that it may, if it so wishes, proceed to fill a casual vacancy by co-option:

- a) when a seat has been left vacant because no eligible candidate stood for election at the full elections for a new council (currently at four-yearly intervals). In this instance the Parish Clerk will be notified of vacancies by CDC and efforts must be made to fill the vacancies by co-option. The Parish Council will be notified and will proceed to Stage 2
- b) during the life of a council when a seat has fallen vacant (because of a resignation, death or ineligibility). The Parish Clerk will immediately notify the Electoral Officer and the vacancy will be advertised. If the required 10 electors of the ward have not called for a poll (by-election) within the legally specified time period (currently 14 days) following publication of the Notice of Vacancy, the Parish Clerk will be notified by CDC and that the vacancies can be filled by co-option. The Parish Clerk will notify the Council.

1.2 Providing the candidate is qualified to be a councillor by section 79 of the 1972 Act and is not disqualified by section 80 of the 1972 Act from standing for co-option and the number of seats available does not exceed the number of candidates expressing an interest, the council shall co-opt the candidate. See 2.4 below for further guidance.

1.3 Should the council have more expressions of interest than seats available, it is permitted to vote for the preferred candidate(s). Should this situation arise, preference would be given to candidates with specific skills and expertise which would bring benefit to the council's particular needs, such as finance knowledge.

1.4 Councillors elected by co-option are full members of the Council.

1.5 To ensure that a fair and transparent process is undertaken this policy sets out the process to be followed by the Parish Council when co-option is under consideration.

**2. APPLICATION PROCESS TO BE FOLLOWED**

2.1 On receipt of written notification from the Electoral Officer at CDC that a casual vacancy may be filled by means of co-option: and

- a) The Clerk will announce the vacancy or vacancies to be filled by co-option within 21 days of receipt of the written notification by means of displaying a Notice on the Council Noticeboard, website and social media.

- b) The co-option Notice will include the closing date for acceptance of requests for consideration (between 14 and 30 days after the date of the display) and the number of vacancies.
- c) The co-option Notice will also be displayed in other locations if instructed by the Council.
- d) The Clerk will advise the council when the Co-option Policy has been instigated, by sending an email to all Councillors.

2.2 Members may point out the vacancies and the process to any qualifying candidate(s).

2.3 Candidates found to be offering inducements of any kind will be disqualified.

2.4 The Statutory requirements to be co-opted as a Councillor are the same as standing for election to the parish council

- The applicant must meet at least one of the following qualifications:

1. be on the electoral register anywhere in the parish
2. lived in or within 3 miles of the parish for the previous 12 months
3. owns, rents, occupies or otherwise has right of occupation of land in the parish
4. works in the parish - principal or only place of work for the previous 12 months

- The applicant must not have any of the following disqualifications:

- a) holds any paid office or employment of the local council (other than the office of Chairman) or of a joint committee on which the Council is represented; or
- b) is a person who has been judged bankrupt or has made a composition or arrangement with his/her creditors\* (but see below); or
- c) has within five years before the day of election, or since his/her election, been convicted in the UK, Channel Islands or Isle of Man of any offence and has been sentenced to imprisonment (whether suspended or not) for not less than three months without the option of a fine; or
- d) is otherwise disqualified under Part III of the representation of the People Act 1983 for corrupt or illegal practices; or
- e) is subject to the notification requirements of or under Part 2 of the Sexual Offences Act 2003 and the ordinary period allowed for making an appeal or application in respect of the order of notification has passed. A disqualification set under s.81A of the Local Government Act 1972 will only apply to a person who is subject to any relevant notification requirements or relevant order made on or after 28<sup>th</sup> June 2022. A person who is in the process of making an appeal or application at any time before the end of the day on which the appeal or application is disposed of, abandoned or fails by reason of non-prosecution.

\*This disqualification for bankruptcy ceases in the following circumstances:-

- i) if the bankruptcy is annulled on the grounds that either the person ought not to have been adjudged bankrupt or that his/her debts have been fully discharged;
- ii) if the person is discharged with a certificate that the bankruptcy was caused by misfortune without misconduct on his/her part;
- iii) if the person is discharged without such a certificate.

In (i) and (ii) above, the disqualification ceases on the date of the annulment and discharge respectively. In (iii), it ceases on the expiry of five years from the date of discharge.

2.5 Although there is no Statutory Requirement to do so, in the event that there are more applicants for co-option than seats available, applicants for co-option will be asked to:

a) submit information about themselves, by completing a short application form (a copy of the application form is attached as Appendix 1) together with a 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) and will be verified by the Clerk.

2.6 Copies of the applicant's application form and written summary will be circulated to all Councillors by the Clerk at least seven days prior to the meeting, when the co-option will be considered if there are more candidates than seats for co-option. All documents will be treated by the Clerk and Councillors in accordance with Data Protection requirements where they contain personal information.

### **3. VOTING PROCEDURE**

3.1 At the appropriate business item Councillors will proceed direct to voting if there are more candidates for co-option than seats available. A paper ballot may be held if agreed by Council.

3.2 Each candidate shall be appointed by a majority of those present and voting. Where there is more than one position to fill by the council, each position will be considered in turn. Voting will be by ballot with each councillor having a number of votes corresponding to the number of seats available. Where there are more than two candidates for the vacancy, it may be necessary to run a series of votes, each time removing the candidate who has the least number of votes until one candidate secures an absolute majority. A tie may be settled by the casting vote

exercisable by the chairman of the meeting. The ballot papers will be open for inspection.

3.3 The result of the vote will be confirmed at the meeting and the successful candidate will be invited to join the Parish Council.

#### **4. ACCEPTANCE OF OFFICE**

The successful candidate(s) must sign their declaration of acceptance of office before they can act as a councillor. The co-opted candidate can immediately join the meeting as a Parish Councillor once the form has also been signed by the candidate and the Clerk/Proper Officer.

The Register of Interest must be completed within 28 days and the Clerk will forward a copy to the Monitoring Officer.

#### **5. REVIEW**

This policy will be reviewed every two years (or earlier if required by changes to legislation or additional documentation) and amended as necessary based on good practice or evidence taken forward.

Appendix 1

**BOURTON ON THE WATER COUNCIL**  
**Co-option Application Form**

**Contact Details** (Block Capitals please)

Name .....

Address .....

.....

Postcode .....

Email address .....

Home Tel. No. ....

Mobile Tel. No .....

Are you 18 or over? YES/NO

If not resident in Bourton-on-the-Water the address for qualification in Appendix 2  
Section 1 Eligibility

.....

**NB Please attach a written summary covering your reasons for wishing to be a councillor; previous voluntary / community / council work; any other skills you can bring to the Council; your interests and recent career history.**

**Is there any other information you would like to disclose regarding your application?**  
(eg if you are related to an employee of the Council / would require assistance during Council meetings with your mobility, hearing or vision)

Signature ..... Date .....

**Please return your completed form, together with your written summary and the Co-option Eligibility Form to:**

The Clerk, Bourton-on-the-Water Parish Council, Parish Office, The George Moore Community Centre, Moore Road, Bourton-on-the-Water, Gloucestershire GL54 2AZ  
Email: clerk@bourtononthewater-pc.gov.uk

## Appendix 2

### **BOURTON ON THE WATER COUNCIL** **Co-option Eligibility Form**

1. In order to be eligible for co-option as a parish councillor you must be a British subject, or a citizen of the Commonwealth or the European Union; and be 18 years of age or over on the 'relevant date' (i.e. the day on which you are nominated or if there is a poll the day of the election). You must additionally be able to meet one of the following qualifications:
  - I am registered as a local government elector for the parish of Bourton on the Water; **or**
  - I have, during the whole of the twelve months preceding the date of my co-option, occupied as owner or tenant, land or other premises in the parish of Bourton on the Water; **or**
  - My principal or only place of work during those twelve months has been in the parish of Bourton on the Water; **or**
  - I have during the whole of twelve months resided within 3 miles of the parish of Bourton on the Water.

#### **Please circle which of the above applies to you.**

2. Please note that under Section 80 of the Local Government Act 1972 a person is disqualified from being elected as a Local Councillor or being a member of a Local Council if he/she:

a) holds any paid office or employment of the local council (other than the office of Chairman) or of a joint committee on which the Council is represented;

**or**

b) is a person who has been judged bankrupt or has made a composition or arrangement with his/her creditors\* (but see below);

**or**

c) has within five years before the day of election, or since his/her election, been convicted in the UK, Channel Islands or Isle of Man of any offence and has been sentenced to imprisonment (whether suspended or not) for not less than three months without the option of a fine;

**or**

d) is otherwise disqualified under Part III of the Representation of the People Act 1983 for corrupt or illegal practices.

**or**

e) is subject to the notification requirements of or under Part 2 of the Sexual Offences Act 2003 and the ordinary period allowed for making an appeal or application in respect of the order of notification has passed. A disqualification set under s.81A of the Local Government Act 1972 will only apply to a person who is subject to any relevant notification requirements or relevant order made on or after 28<sup>th</sup> June 2022. A person who is in the process of making an appeal or application at any time before

the end of the day on which the appeal or application is disposed of, abandoned or fails by reason of non-prosecution.

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- iii) if the person is discharged without such a certificate.

In (i) and (ii) above, the disqualification ceases on the date of the annulment and discharge respectively. In (iii), it ceases on the expiry of five years from the date of discharge.

I (*insert name*) ..... hereby confirm,

that I am eligible to apply for the vacancy of Bourton-on-the-Water Parish Councillor, and the information given on this form is a true and accurate record.

Signed ..... Dated .....