

Gate and Upper Helmsley

CO-OPTION POLICY

28 May 2025

28 May 2026

This policy outlines the procedure to be followed by Gate and Upper Helmsley Parish Council when a casual vacancy arises by virtue of Councillor resignation, disqualification, or death.

The Electoral Services Department at the Principal Authority will be informed of the vacancy as soon as practicable after it arises.

The Council will follow the relevant legislation to allow ten electors to claim a by-election. Assuming there is no call for a by-election the Council will fill the vacancy by co-option using the following procedure:

1. A notice will be erected in a conspicuous place in the parish inviting people who are interested in being a Councillor to [write to the Council/complete an application] .
2. The notice advertising the vacancy will contain a closing date for receipt of applications.
3. Upon receipt, the Council will check (as far as reasonably possible) that candidates are eligible in accordance with the Local Government Act 1972, section 79. To be eligible, the candidate must:
 - be 18 years old or over; and
 - 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.and not disqualified from being a Councillor by virtue of section 80 of the Local Government Act 1972, Part 2 of the Sexual Offences Act 2003 and Local Government (Disqualification) Act 2022, or a Criminal Conviction, Section 34 of the Localism Act 2011.
4. Following receipt of applications, the next suitable Council meeting will have an agenda item 'To receive written applications for the office of parish Councillor and to co-opt a candidate to fill the existing vacancy'.
5. The Council will consider all applications at a meeting of the Council and resolve to co-opt the most suitable candidate.

NOTE: The Council needs to be aware of the need for confidentiality in part of the co-option process. In the opinion of YLCA the part where candidates speak to the meeting is not prejudicial to the public interest, however where the Council is discussing the merits of candidates and inevitably their personal attributes etc, this could be prejudicial and so for this part of the process, we advise the Council to exclude members of the press and public (Public Bodies (Admission to Meetings) Act 1960). The Councillors must vote in the normal way, i.e. proposer, seconder, and vote by show of hands. Difficult though it may be because co-option is a very local issue, this part of the process is not prejudicial to the public interest and the public should be present for it.

6. Decisions of a local Council are normally made on a simple majority vote. The only occasion where this differs is in the co-option process. Where the Council has more than two applicants for one vacancy it will ensure that the successful applicant receives an absolute majority of the votes cast. The difference is that the person elected receives more votes than the others added together.

7. Where there is one candidate for one seat or any situation where the number of candidates is equal to the seats available, the Council must appoint the candidates as long as they are qualified to hold public office under Section 79 of the Local Government Act 1972 and are not disqualified as summarised at point 3.
8. The successful candidate will sign a Declaration of Acceptance of Office before they can act as a parish Councillor.
9. The clerk will provide the new Councillor with the Council's adopted Code of Conduct.
10. The clerk will provide the new Councillor with the Council's Councillor induction pack.

Approved: (date)

Review date:

(Source: YLCA Feb 2024)