



Bishop Middleham
& Mainsforth

Bishop Middleham Parish Council

CO-OPTION POLICY & VOTING PROCEDURE

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BISHOP MIDDLEHAM PARISH COUNCIL CO-OPTION POLICY

1. Introduction

- 1.1 There are two circumstances under which the Electoral Officer of Durham County Council will notify Bishop Middleham Parish Council that it may, if it so wishes, proceed to fill a casual vacancy by co-option:
- a) when a ward 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 would be notified of vacancies by Durham County Council and that efforts must be made to fill the vacancies by co-option. The Council will be notified and they will decide if they wish to proceed to Stage 2.
 - b) During the life of a council when a ward 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 Durham County Council that the vacancies must/can be filled by co-option.
- 1.2 The Parish Council is not obliged to co-opt to fill any vacancy. Even if the Council invites applications for co-option, it is not obliged to select anyone from the candidates who apply.
- 1.3 However, it is not desirable that electors are left partially or fully unrepresented for a significant length of time. Neither does it contribute to effective and efficient working of the Council if there are insufficient Councillors to share the workload equitably; to provide a broad cross-section of skills and interests; or to achieve meeting quorums without difficulty, given that some absence is unavoidable at times.
- 1.4 To ensure that a fair and transparent process is undertaken this policy sets out the process to be followed by Bishop Middleham 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 Durham County Council that a casual vacancy must be filled by means of co-option:
- a) The Parish 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, social media, and website.
 - b) The Co-option Notice will include the closing date for acceptance of request for consideration and the number of vacancies.
- 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 Although there is no Statutory Requirements to do so, any Applicant for co-option will be asked to:
 - a) submit an expression of interest, detailing, in no more than 500 words, why they would like to become a Councillors and what skills and experience they believe they can bring to the team.

And

- b) Confirm their eligibility for the position of Councillor within the statutory rules. See Appendix 1 regarding Eligibility.
- 2.5 Copies of the applications will be circulated to all councillors by the Parish Clerk with the agenda for 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 where they contain personal information, and this information will be redacted.
- 2.6 Candidates will be sent a full agenda of the meeting at which they are to be considered for appointment, together with a copy of the Member Code of Conduct, Standing Orders and Financial Regulations of the Council.
- 2.7 Prior to the co-option exercise, members will discuss and agree any skills, experience and demographic profile attributes which can be used as selection criteria to help find new member/s who fill any skills and experience or demographic representation gaps within the Council membership.

3. Voting Procedure

The procedure for voting in Council on Casual Vacancies is set out at **paragraph 6.15, page 49 of the Eleventh Edition of "Arnold-Baker on Local Council Administration" Clayden, Paul published by Lexis Nexis** in accordance with The Local government Act 1972, Sch 12 para 39 which states that

"A successful candidate must have received an absolute majority vote of those present and voting. It follows that if there are more than two candidates for one vacancy and no one of them at the first count receives a majority over the aggregate votes given to the rest, steps must be taken to strike off the candidate with the least number of votes and the remainder must then be put to the vote again; this process must, if necessary, be repeated until an absolute majority is obtained.

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"

- 3.1 Accordingly, at the appropriate business item on the published agenda Councillors will proceed direct to voting.
- 3.2 Voting will be according to the statutory requirements, in that a successful candidate must receive **a majority vote of those present and voting.**

- If there are more than two candidates for one vacancy and no one of them at the first count receives a majority over the aggregate votes given to the rest, the candidate with the least number of votes will be removed from consideration and the remainder will then be put to the vote again.
 - This process will, if necessary, be repeated until a majority is obtained
 - This process will be followed separately for each individual vacancy for which co-option is under consideration
 - If no candidate secures an absolute majority of votes cast for an individual vacancy, then that vacancy remains unfilled (e.g. if 18 councillors are present and 10 abstain from voting then there is no absolute majority)
- 3.3 Councillors shall vote by show of hands, however if any members so requires the Clerk shall record the names of members who votes on any question so as to show whether they voted for, against or abstained.
- 3.4 In the case of an equality of votes, the Chairman of the meeting has a second or casting vote.
- 3.5 After the vote has been concluded, the Chairman will declare the successful candidate duly elected and they will be asked to:
- Sign their declaration of acceptance of office before they can act as a Councillor. The Register of Interest must be completed within 28 days and the Parish Clerk will forward a copy to the Monitoring Officer.

Appendix 1

Eligibility to be a Councillor?

You are able to stand for election (or co-option if a casual vacancy occurs and an election is not called) if you are:

- A British subject or Commonwealth citizen;
- Aged over 18;

Plus are one of the following:

- An elector within the parish of Bishop Middleham (including Mainsforth);
- Have during the whole of the 12 months before nomination or election -
 - resided in Bishop Middleham / Mainsforth or within three miles of it or
 - occupied as owner or tenant any land or premises in Bishop Middleham or Mainsforth, or
 - had your principal or only place of work here.

You cannot stand for election (or co-option) to Bishop Middleham Parish Council if you

- are subject of a bankruptcy restriction order, debt relief restrictions order, or interim order;
- have, within five years before election or co-option, or since, been convicted in the United Kingdom, the Channel Islands, or the Isle of Man of any offence and had a sentence of imprisonment (whether suspended or not) for a period of more than three months without the option of a fine;
- you hold a paid office or other place of profit in the gift or disposal of Bishop Middleham Parish Council or a company under their control.

All members of the Parish Councillor must sign up to the Code of Conduct and make declaration to the Register of Interests.

There's also information available from the [Electoral Commission](#) and we'll post details on how to stand for the 2025 election in Wiltshire nearer the time.