



# Horton Parish Council CO-OPTION POLICY



## 1. Introduction

This policy sets out the procedure to ensure there is compliance with legislation and continuity of procedures in the co-option of members to Horton Parish Council . The Co-option procedure is entirely managed by Horton Parish Council and this policy will ensure that a fair and equitable process is carried out.

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 Royal Borough Of Windsor And Maidenhead Returning Officer.

Whenever the need for co-option arises, Horton 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.

## 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.

Horton Parish Council will notify Royal Borough Of Windsor And Maidenhead 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 Royal Borough Of Windsor And Maidenhead stating that an election is requested.

If a by-election is called, an election will be organised by Royal Borough Of Windsor And Maidenhead. Horton 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, Royal Borough Of Windsor And Maidenhead will inform Horton 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 on social media.

### **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 (with specific rules for EU citizens post – Brexit) 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**

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

Candidates should write to Horton 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.

### **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 Horton 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.

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 , it shall be reviewed periodically, at least each council term – nominally 4 years, or as legislation dictates.

Signed:

Clerk To Horton Parish Council

Date Policy Was Approved	Tuesday 16 <sup>th</sup> December 2025
Minute Reference	Ref. 6/iv
Review Date	May 2027

