



BERRY NARBOR PARISH COUNCIL

Co-Option Guidelines

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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 Berrynarbor Parish Council (BPC). The co-option procedure is entirely managed by the Parish Council and this policy will ensure that a fair and equitable process is carried out.

The co-option of a councillor occurs in two instances:

1. When an ordinary vacancy has arisen on the Parish Council after the ordinary elections held every four years;
2. When a casual vacancy has arisen on the Parish Council and no poll (by-election) has been called.

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.

Casual Vacancy

A casual vacancy occurs when:

- A councillor fails to make his 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 (6) months to attend meetings of a council committee unless their absence has been previously agreed by the Council.

The Clerk has to notify the District Council of a casual vacancy and then advertise the vacancy and give electors for the ward the opportunity to request an election. This occurs when ten (10) electors write to the District Council stating that an election is requested. If a by-election is called, a polling station will be set up by North Devon District Council and the people of the Parish will be asked to go to the polls to vote for candidates who will have put themselves forward by way of a nomination paper. The Parish Council will pay the costs of the election. The people of the Parish have fourteen

days (not including weekends, bank holidays and other notable days), to call the by-election, but the Electoral Services Office of North Devon District Council will advise the Clerk of the closing date.

If more than one (1) candidate is then nominated a by-election takes place but if only one (1) candidate is put forward they are duly elected without a ballot. If ten (10) residents do not request a ballot within fourteen (14) days of the vacancy notice being posted, as advised by the Electoral Services Office, the Parish Council is able to co-opt.

Confirmation of Co-option

On receipt of written confirmation from the Electoral Services Office that no by-election has been claimed, the casual vacancy can be filled by means of co-option. The Clerk will:

- Advertise the vacancy for four weeks on the BPC notice boards and website
- Advise North Devon District Council that the co-option policy has been instigated.

Eligibility of Candidates

BPC is able to consider any person to fill a vacancy provided that:

- he/she is 18 or over; and
- he/she is a British citizen, a qualifying Commonwealth citizen or a citizen of any other member state of the European Union; and at least one of the following apply:
 - he/she is an elector for the Parish and continues to be an elector; or
 - has resided in the Parish for the past twelve months or rented/tenanted land in the Parish; or
 - has had his/her principal or only place of work in the Parish for the past twelve months; or
 - has lived within three miles of the Parish for the past twelve months.

There are certain disqualifications for being a Parish councillor, of which the main are (see s80 of the Local Government Act 1972):

- holding a paid office or employment under the Town Council;
- bankruptcy;
- having been sentenced to a term of imprisonment (whether suspended or not) of not less than three months, without the option of a fine during the preceding five years; or
- being disqualified under any enactment relating to corrupt or illegal electoral practices.

Applicants

Candidates will be requested to:

Submit information about themselves, by way of completing a short application form (Appendix I)

Confirm their eligibility for the position as Parish Councillor within the statutory rules, (a copy of the eligibility form is attached as Appendix II).

Following receipt of applications, the next suitable BPC 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'.

Eligible candidates will be invited to attend the meeting. Copies of the eligible candidates' applications will be circulated to all parish councillors by the Clerk, when the co-option will be considered. All such documents will be treated as strictly private and confidential.

At the Full Council Meeting meeting

At the co-option meeting, candidates will be given five minutes maximum to introduce themselves to the councillors (members), give information on their background and experience and explain why they wish to become a member of the Town Council. The process will be carried out in the public session and there will be no private discussions between members prior to a vote being taken. However, where the Parish Council is discussing the merits of candidates and inevitably their personal attributes, this could be prejudicial and the Council should resolve to exclude the members of the public.

As soon as the discussions have finished, the Council will proceed to a vote with each candidate being proposed and seconded by the councillors in attendance (as defined in the Standing Orders) and a vote by a show of hands (LGA 1972 Sch. 12. Para 13).

In order for a candidate to be co-opted to the Parish Council, it will be necessary for them to obtain an absolute majority of votes cast (50% + 1 of the votes available at the meeting). If there are more than two candidates and there is no candidate with an overall majority in the first round of voting the candidate with the least number of votes will drop out of the process. Further rounds of voting will then take place with the process repeated until a candidate has an absolute majority.

A candidate who is co-opted will sign at the co-option meeting a Declaration of Acceptance of Office which includes an undertaking to abide by the BPC's Code of Conduct, and may take office thereafter.

The Clerk will notify North Devon District Council Electoral Services Office of the co-option of the new parish councillor. The co-opted Parish Councillor will complete a Notification of Disclosable Pecuniary and Other Interests form which the Clerk will lodge with the Monitoring Officer at North Devon District Council within 28 days of

the co-option.

If insufficient candidates are co-opted, the process should continue, whereby the vacancies are again advertised but only if the vacancy does not falls before the 6 months immediately prior to an ordinary election.

To be reviewed every 2 years.

Adopted November 2025

Date of Review	Change Description	Minute No.
November 2025	Rewritten for adoption	2511/15