

# 2024

## Killinghall Parish Council Policy: Co-Option Policy & Application Form



Adopted: 2<sup>nd</sup> December 2024

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

The Electoral Services Department at North Yorkshire Council 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 contact the Parish Clerk for further information.
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 (see Appendix A), 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.
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 if 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. Co-opted members will be asked to sign a Declaration of Acceptance of Office in accordance with section 83(4) of the 1972 Act in the presence of the clerk and must agree to comply with Killinghall Parish Council's Code of Conduct. They may take their seat at Council and are then able to be appointed to a committee. The declaration must be delivered before or at the first meeting of the council. If a councillor fails to deliver the signed declaration, he thereupon vacates office and a casual vacancy arises. There is no provision allowing a declaration to be delivered retrospectively.
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.

## **Appendix A**

<b>Councilor Co-option Eligibility Form</b>		
1	Are you a British subject?	Yes/No
2	Are you 18 or over?	Yes/No
3	To qualify you must be able to answer 'Yes' to at least one of the questions below)	
3a	Are you on the electoral register for Killinghall Parish?	Yes/No
3b	Have you lived either in Killinghall parish, or within three miles of its boundary, for at least a year?	Yes/No
3c	Have you been the owner or tenant of land in Killinghall parish for at least a year?	Yes/No
3d	Have you had your only or main place of work in Killinghall parish for at least a year?	Yes/No
4	You must be able to answer No to all of the questions below to be eligible to serve as a Councilor)	
4a	Are you the subject of a bankruptcy restrictions order or interim order?	Yes/No
4b	Have you within the last five years been convicted of an offence in the UK, the Channel Islands or the Isle of Man which resulted in a sentence of imprisonment (whether suspended or not) for a period of three months or more without the option of a fine?	Yes/No
4c	Are you disqualified by order of a court from being a member of a local authority?	Yes/No
4d	You have been convicted for the failure to register or declare disclosable interest under the Localism Act 2011 (England)	Yes/No
	Declaration  I, ..... , hereby confirm that I am eligible for the vacancy of Killinghall Parish Councilor, and the information given on this form is a true and accurate record.	
	Signature:	
	Print name:	Date:

<b>First Name</b>	
<b>Surname</b>	
<b>Address including postcode</b>	
<b>Telephone numbers</b>	
<b>Mobile</b>	
<b>Landline</b>	
<b>Email address</b>	

Please tell us something about what experience you can bring to Killinghall Parish Council; for example, previous local government experience, work in the voluntary or charitable sector, business or trade union experience. Please continue on an additional page, if required.

Please tell us something about the skills that you can bring to Killinghall Parish Council; for example, professional qualifications, financial or project management expertise.

Please continue on an additional page, if required.

Please include any other information you would like to add in support of your application.

Please continue on an additional page, if required.

Are there any questions that you would like to ask the Parish Council

## DECLARATION

I declare that the information I have provided in this application is, to the best of my knowledge, accurate and true.

Signature:

Print Name:

Date:

Please email completed applications,  
including the co-option eligibility form  
to the Parish Clerk :

[clerk@killinghallparishcouncil.org.uk](mailto:clerk@killinghallparishcouncil.org.uk)