Willingale Parish Council

Co-Option Policy and Procedure

Adopted: 10th March 2026
Next Review: March 2029

Set out below are the procedures for the Co-option of a Councillor to fill a casual vacancy occurring on the Council and in the situation where there are insufficient nominees for an ordinary election

1. In the event of a casual vacancy being deemed to have occurred on Willingale Parish Council (*see below for reasons for a casual vacancy occurring), the Clerk will declare that such a vacancy exists without recourse to a meeting of the Parish Council or committee.
2. The Clerk will notify the Electoral Services Office at Epping Forest District Council and will publicly display a Notice of Vacancy. In the case of a casual vacancy occurring due to death, the notice may be delayed for a respectful period.
3. If a casual vacancy arises within six months of the day when the councillor whose office is declared vacant would ordinarily have retired, then no bye-election may be demanded. As the Parish Council is permitted either to advertise the vacancy for co-option or to leave the office vacant until the date of the next ordinary election, the Parish Council will be asked at its next suitable meeting which option it wishes to pursue.
4. If, in the period of time required by legislation following the publication of the Notice of Vacancy (at present 14 working days), the Returning Officer at the District Council receives 10 letters from electors calling for a by-election, the election process will commence, and a by-election will take place within 60 days of the notice of vacancy. The District Council will make all the necessary arrangements for such a by-election.
5. If the Returning Officer does not receive10 letters from electors calling for a by-election to be held, then the co-option procedure will commence with step 6.
6. It is required that the vacancy be filled as soon as practicable after the expiry of the notice period in step 4 above and the Clerk will normally invoke this procedure without further recourse to a meeting of the Council.
7. The vacancy to be filled by co-option will be advertised on the Parish Council's noticeboards and on the Parish Council's website (and/or other local media deemed appropriate) within 21 days of the end of the time for the notice period in step 4 above. The co-option advertisement notice will give interested parties 14 working days to notify the Parish Council that they wish to be considered for co-option.
8. All candidates will be expected to put their request for consideration in writing with a summary about themselves, which may include reasons for wishing to be a councillor; previous community/council work; any other skills they can bring to the Council, their interests and recent career history. All candidates must also confirm their eligibility for the position of councillor within the statutory rules on the attached form.

9. When the applications have been received, the Parish Clerk will consider the application letters/emails, check that the individuals meet the qualification requirements, and confirm that, if successful, they would be willing to accept the Code of Conduct and other obligations of a Parish Councillor.
10. Candidates found to be offering inducements of any kind to members or officers of the Parish Council will be disqualified.
11. Applications for co-option will be considered at the next suitable meeting of the Council, following the expiry of the co-option advertisement notice.
12. Candidates will be expected to make every effort to attend the meeting at which the Parish Council proposes to appoint the co-opted member
13. Discussion with individual applicants about their application will take place in Council session without intervention from the public and excluding any other candidates.
14. A vote will then be taken by a show of hands, and all candidates will be considered and present.
15. If there is more than one candidate, the candidate with the least number of votes cast will be deleted and the vote taken again until the number of candidates equals the number of vacancies. The successful candidate/s must have received an absolute majority vote of those present and voting.
16. The Council reserves the right not to make a co-option.
17. Candidates will be furnished with a full agenda of the meeting at which they are to be considered for appointment. The successful candidate/s will be appointed and sign their Declaration of Acceptance of Office and can then act as a councillor in line with normal election procedures.
18. The Register of Interest will be completed within 28 days and a copy passed on to the monitoring officer at Epping Forest District Council. The newly appointed councillor will be provided with an induction pack to include the Code of Conduct, Standing Orders and Financial Regulations of the Council.
19. Should the vacancy arise following insufficient nominees for an ordinary election, the total time period to complete a co-option is reduced to 35 days, without the necessity of advertising for a potential bye-election. The Parish Council's Co-option Policy will commence with step 6. The Election Officer's department will work with the Council to carry out the required procedure. After the 35 days from the election date has elapsed the Elections Officer will advise the council whether the council must announce a bye-election or otherwise.

* A casual vacancy is deemed to have occurred:

a) When a councillor fails to make the declaration of acceptance of office within the proper time.

b) When a notice of resignation is received.

c) On the day of his/her death.

d) In the case of a disqualification under the Audit Commission Act 1998 or under the Local Government Act 2000, s79 or by virtue of a conviction on the day when either the time for appeal or application for relief expires, or such appeal or application is dismissed or abandoned.

e) In the case of an election being declared void, upon the date of the report or certificate of the election court.

f) Where a person ceases to be qualified or becomes disqualified for any reason other than conviction or order, or is persistently absent from meetings, upon the date when the office is declared vacant by the High Court or council as the case may be.

Willingale Parish Council

Co-option Eligibility Form
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Next Review March 2029

1. In order to be eligible for co-option as a Willingale Parish Councillor you must be a British subject, or a citizen of the Commonwealth, or the European Union. You must also be 18 years of age or over on the "relevant date", that being the day on which you are nominated, or if there is a poll, then the day of the election. You must additionally be able to agree with the following qualifications set out below. Please circle which of the following four points applies to you.

a) I am registered as a local government elector for the parish or

b) I have, during the whole of the twelve months preceding the date of my co-option, occupied as owner or tenant, land or other premises in the parish or

c) My principal or only place of work during those twelve months has been within the parish or

d) I have, during the whole twelve months, resided in the parish, or within 3 miles of it.

2. Please note that under Section 80 of the Local Government Act 1972, a person is disqualified from being elected as a Local Councillor or being a member of a Local Council if he/she:

a) Holds any paid office or employment of the local council (other than the office of Chairman) or of a joint committee on which the Council is represented or

b) Is a person who has been adjudged bankrupt or has made a composition or arrangement with his/her creditors (but see below) or

c) Has within five years before the day of election, or since his/her election, been convicted in the UK, Channel Islands or Isle of Man of any offence and has been sentenced to imprisonment (whether suspended or not) for not less than three months without the option of a fine or

d) Is otherwise disqualified under Part III of the Representation of the People Act 1983 for corrupt or illegal practices.

This disqualification for bankruptcy ceases in the following circumstances:

i. If the bankruptcy is annulled on the grounds that either the person ought not to have been adjudged bankrupt or that his/her debts have been fully discharged.

ii. If the person is discharged with a certificate that the bankruptcy was caused by misfortune without misconduct on his/her part

iii. If the person is discharged without such a certificate.

In (i) and (ii) above, the disqualification ceases on the date of the annulment and discharge respectively. In (iii), it ceases on the expiry of five years from the date of discharge.

I, (Insert name) ..... hereby confirm,

that I am eligible to apply for the vacancy of Willingale Parish Councillor, and

that the information given on this form is a true and accurate record.

Signed.....Dated.....