

PROCEDURES FOR CO-OPTION OF A COUNCILLOR

1. Introduction

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

2. Co-option

The Co-option of a Parish Councillor occurs when a casual vacancy has arisen on the Council and no poll (byelection) has been called. 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 the full council committee or a committee or to attend as a representative of the Council a meeting of an outside body.

The City of Durham Parish Council has to notify the County Council of a Casual Vacancy and then advertise the vacancy and give electors the opportunity to request an election. This occurs when ten electors (from the parish ward where the vacancy occurs) write to the County Council stating that an election is requested.

If a by-election is called, a polling station will be set up by the County 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 City of Durham 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 claim the by-election, but the electoral officer will advise the clerk of the closing date.

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

3. Confirmation of co-option

On receipt, of written confirmation, from the Electoral Services Office from the County Council, the casual vacancy can be filled by means of Co-option, the Parish Clerk will:

- Advertise the vacancy for one week on the Council notice boards and website
- Advise Parish Councillors that the co-option procedures have been instigated

The Parish Council is not obliged 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. However, it is not desirable that electors in a particular ward be left

partially or full underrepresented 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. Councillors elected by co-option are full Members of the City of Durham Parish Council.

4. Eligibility of Candidates

The Parish Council is able to consider any person to fill a vacancy provided that:

- He/she is an elector for the parish; or
- has resided in the parish for the past twelve months or rented/tenanted land or other premises in the parish; or
- had his/her principal place of work in the parish; or
- has lived within three miles (direct) of the parish.

There are certain disqualifications for election, of which the main are (see Local Government Act 1972):

- holding a paid office under the local authority;
- being the subject of a bankruptcy restrictions order or an interim bankruptcy restrictions order, or a debt relief restrictions order under schedule 4ZB of the Insolvency Act 1986;
- 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 five years preceding the election; and
- being disqualified under any enactment relating to corrupt or illegal practices.

Candidates found to be offering inducements of any kind will be disqualified.

5. Applications

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

Although there is no Statutory Requirement to do so, candidates will be requested to:

- Submit information about themselves, by way of providing a short summary of their experience, both work experience and personal.
- Confirm their eligibility for the position of Councillor within the statutory rules.

Following receipt of applications, 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'. Copies of each candidate's application will be circulated to all Councillors by the Clerk at least 3 clear days prior to the meeting of the full Council along with the Agenda, when the co-option will be considered. All such documents will be treated by the Clerk and all Councillors as strictly private and confidential.

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 Code of Conduct, Standing Orders and Financial Regulations of the City of Durham Parish Council. Candidates will also be informed that they will be invited to speak about their application at the meeting.

6. At the Co-option Meeting

At the co-option meeting, candidates will be given five minutes maximum to introduce themselves to Members, give information on their background and experience and explain why they wish to become a Member of the Parish Council. No questions will be taken from current Members of the Parish Council. This part of the process may be prejudicial and the Council will therefore resolve to exclude the members of the press and public (including other candidates).

As soon as all candidates have finished giving their submissions, the council will proceed to a vote on the acceptability of each candidate, with each candidate being proposed and seconded by the councillors in attendance and a vote by secret ballot taking place. The vote will be recorded so as to show whether each Councillor present and voting gave his/her vote for or against that question. In order for a candidate to be elected to the Parish Council, it will be necessary for them to obtain an absolute majority of votes cast. In the event that there are two candidates for one vacancy and there is an equality of votes, the Chair will have the casting vote. In the event that there are more than two candidates for one vacancy, the Council shall adopt a preferential voting system so as to allow one individual to gain an overall majority of votes.

After the voting has been concluded, the Chair will declare the successful candidate duly elected and after signing their declaration of acceptance of office, the new Councillor may take his/her seat immediately.

The Clerk will notify Electoral Services of the new Councillor appointment. The successful candidate(s) must complete the 'registration of interests' form. The form should be handed to the Clerk for forwarding to the Monitoring Officer at Durham County Council.

If insufficient candidates come forward for co-option, the process should continue, whereby the vacancies are again advertised.

7. Six month rule

In the event of a vacancy occurring within the six months preceding the regular parish council elections, the council shall not make a co-option and shall leave the seat vacant for the remainder of the council term.

Date adopted: July 2025

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