

Pelton Parish Council

Member Co-option Policy

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Signed

Chairman

22.10.25

Pelton Parish Council

Policy on Co-options to Fill a Member Vacancy

1. Power to Co-opt

- 1.1 Section 21 of the Representation of the Peoples Act 1985 provides that where there is an insufficient number of candidates and provided that those elected constitute at least a quorum (three or one third of the total number of councillors, whichever is the greater) the council, of members elected, may co-opt any persons to fill the vacancies.
- 1.2 If the power to co-opt is not exercised by a council within 35 days of an election, Durham County Council, as the principal authority, may then exercise its powers to hold a further election or take other appropriate action to fill the vacancies. A principal authority has wide reserve powers to do anything necessary to constitute a council properly, including the temporary appointment of councillors pending a further election.
- 1.3 Before exercising the power of co-option, a council does not have to give notice of any vacancies but is recommended as best practice.
- 1.4 CDALC advise that DCC do not wish to impose Councillors on Councils and as such look for the individual Councils to make every attempt to fill any vacancies.

2. Filling a Member Vacancy

2.1 In the first instance, the council is faced with a number of choices;

- a. to advertise the vacancies
- b. canvass expressions of interest
- c. to approach past councillors to consider returning
- d. to look for unknown interested people through actively advertising and seeking expressions of interest.
- e. formally advertise the vacancy, inviting expressions of interest from all those wishing to be considered.

3 Canvassing Expressions of Interest

- 3.1 The council may now invite expressions of interest from suitably qualified electors to be considered for co-option to the vacant seat(s). Qualification is primarily defined by s.79 of the Local Government Act (1972).
- 3.2 A deadline for receipt of expressions of interest needs to be set for at least one week prior to the full council meeting to enable council to consider the issue at its next scheduled meeting. Once the 35day time frame i.e. statutory deadline has passed it is important that every effort is made to invite residents to apply.

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3.3 The vacancies may be advertised via notice boards, the internet and in the press.

By convention, the co-opted candidate(s) should be voted onto the Parish Council following the council voting procedure specified in the Standing Orders and detailed in section 4 of this policy.

3.4 Anyone expressing an interest will be provided with a specification of the duties and time commitment anticipated of members of the parish council (Appendix A), based on the recommended specification published by NALC. It may also be appropriate to provide a copy of the NALC publication 'The good councillor's guide' [NALC publishes an updated edition of The Good Councillor's guide](#) which provides a clear overview of the legal framework for the parish council and the role of councillors.

3.5 Council's commitment to Openness and Transparency and Good Practice requires that those wishing to submit themselves for co-option should provide a statement of their suitability, based on the specification, on no more than one side of A4.

4. Voting Procedure

The procedure for voting in Council on Casual Vacancies is set out at paragraph 6.15, page 49 of the Eleventh Edition of "Arnold-Baker on Local Council Administration" Clayden, Paul published by Lexis Nexis in accordance with The Local government Act 1972, Sch 12 para 39 which states that

"A successful candidate must have received an absolute majority vote of those present and voting. It follows that if there are more than two candidates for one vacancy and no one of them at the first count receives a majority over the aggregate votes given to the rest, steps must be taken to strike off the candidate with the least number of votes and the remainder must then be put to the vote again; this process must, if necessary, be repeated until an absolute majority is obtained.

If there is more than one vacancy and the number of candidates equals the number of vacancies, all the vacancies may be filled by a single composite resolution, but if the number of candidates exceeds the number of vacancies each vacancy must be filled by a separate vote or series of votes"

4.1 Accordingly, at the appropriate business item on the published agenda Councillors will proceed direct to voting.

4.2 Voting will be according to the statutory requirements, in that a successful candidate must receive a majority vote of those present and voting.

- If there are more than two candidates for one vacancy and no one of them at the first count receives a majority over the aggregate votes given to the rest, the candidate with the least number of votes will be removed from consideration and the remainder will then be put to the vote again
- This process will, if necessary, be repeated until a majority is obtained
- This process will be followed separately for each individual vacancy for which co option is under consideration

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- If no candidate secures an absolute majority of votes cast for an individual vacancy, then that vacancy remains unfilled (e.g. if 18 councillors are present and 10 abstain from voting then there is no absolute majority)

4.3 Councillors shall vote by show of hands, however if any member so requires the Clerk shall record the names of members who votes on any question so as to show whether they voted for, against or abstained.

4.4 In the case of equality of an equality of votes, the Chairman of the meeting has a second or casting vote.

4.5 After the vote has been concluded, the Chairman will declare the successful candidate duly elected and they will be asked to:

- Sign their declaration of acceptance of office before they can act as a Councillor. The Register of Interest must be completed within 28 days and the Town Clerk will forward a copy to the Monitoring Officer.

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Appendix A

The following are the criteria on which a person's suitability for co-option will be considered;

ESSENTIAL	DESIRABLE
Relevant Knowledge, Education, Professional Qualifications & Training	
Sound knowledge and understanding of local affairs and the local community. Commitment to legal framework and principles of local democracy.	A levels/Degree level and or Specific Vocational training or professional qualification (e.g. accountant, teacher, surveyor, architect) may be specified.
Experience, Skills, Knowledge and Ability	
Solid interest in local matters. Ability and willingness to represent the council and their community. Good interpersonal skills. Ability to communicate clearly both orally and in writing. Ability and willingness to work closely with other members and to maintain good working relationships with all members and staff. Good reading and analytical skills. Ability and willingness to work with the council's partners (e.g. voluntary groups, other parish councils, Durham County Council, charities). Ability and willingness to undertake relevant training. Ability to work under pressure	Knowledge of HR, procurement, contract management, financial control or risk management and compliance, public relations Experience of working in another public body or not for profit organisation Experience of working with voluntary and or local community/ interest groups. Basic knowledge of legal issues relating to town and parish councils or local authorities. Experience of delivering presentations. Experience of working with the media. Experience in financial control/budgeting Experience of staff management
Other requirements	
Flexibility Enthusiasm Ability and willingness to attend meetings of the council (or the meetings of other local authorities and local bodies) in the evening and events in the evening and at weekends. (The basic commitment to meetings is to attend three, 2-hour meetings during each eight-week cycle) Meets the qualifying requirements of s.79 of the Local Government Act 1972	

(Based on the NALC recommended specification)