



# Barrowby Parish Council

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## Co-option Policy

### Document control

- **Owner:** Full Council
- **Responsible officer:** Clerk / Proper Officer
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- **Version:** 2026.1
- **Review:** Annually or earlier if legislation/guidance changes
- **Next review due:** January-March 2027 at Full Council for formal adoption at Parish Council May 2027

### 1. Purpose of this Policy

This policy sets out the process Barrowby Parish Council will follow when co-opting a person to fill a vacant seat on the Council where the law permits co-option.

The Council will ensure that the process is open, fair, transparent and consistent, and that all eligible applicants are treated equally.

### 2. When Co-option May Be Used

The Council may co-opt to fill a vacant seat only where the law allows. This will normally arise in one of the following circumstances:

#### a. Insufficient candidates at an ordinary election

Where there were not enough validly nominated candidates at an election to fill all seats, and the vacant seat remains to be filled in accordance with the relevant legal provisions.

#### b. Casual vacancy

Where a vacancy arises during the Council's term of office and no by-election is called within the statutory period following publication of the notice of vacancy. The Council may then fill the vacancy by co-option as soon as reasonably practicable.

The Clerk will confirm, before any co-option process begins, that the Council has the legal power to proceed by co-option.

### 3. Eligibility

A person is eligible to be co-opted if, on the date of co-option, they are:

- aged 18 or over; and

- a British citizen, an eligible Commonwealth citizen, a citizen of the Republic of Ireland, or a qualifying EU citizen; and
- meet at least one of the statutory qualifications for election and holding office.

A person must also meet at least one of the following qualifications:

- a. they are, and will continue to be, registered as a local government elector for the parish; or
- b. during the whole of the previous 12 months they have occupied as owner or tenant land or other premises in the parish; or
- c. during the whole of the previous 12 months their principal or only place of work has been in the parish; or
- d. during the whole of the previous 12 months they have resided in the parish or within 3 miles of it.

#### **4. Disqualification**

A person cannot be co-opted if they are disqualified from being a councillor under the relevant legislation. Disqualifications include, among other things, certain bankruptcy restrictions, employment by the parish council, certain criminal disqualifications, and disqualification relating to notification requirements for certain sexual offences. The Clerk will carry out reasonable checks, but applicants are responsible for ensuring that they are legally qualified and not disqualified.

#### **5. Advertising the Vacancy**

Where the Council is able to fill a seat by co-option, it will normally advertise the vacancy and invite expressions of interest.

The advertisement may be published through such means as the Council considers appropriate, including:

- the Council's website;
- noticeboards;
- social media;
- newsletters; and
- any other appropriate local communication channels.

The notice will usually include:

- the number of vacancies;
- confirmation that the seat is to be filled by co-option;
- the closing date for applications;
- the Clerk's contact details;
- a brief explanation of the role of parish councillor; and
- the date of the meeting at which the Council intends to consider applications.

Nothing in this policy prevents the Council or individual councillors from encouraging eligible members of the community to apply, provided all applicants are treated fairly and equally.

## **6. Application Process**

Applicants will be asked to submit to the Clerk, by the stated deadline:

- a completed application form or written expression of interest;
- confirmation that they are eligible and not disqualified;
- a short personal statement explaining why they wish to serve on the Council and what they believe they can contribute.

The Clerk may request further information where necessary to verify eligibility.

Late applications will only be accepted at the Council's discretion where this is fair to all applicants and does not prejudice the process.

## **7. Circulation of Applications**

After the closing date, the Clerk will check eligibility as far as reasonably practicable and circulate valid applications to councillors before the meeting at which the co-option is to be considered.

Applications will be handled in accordance with the Council's data protection obligations. Personal information will only be shared to the extent necessary for the co-option process.

## **8. Meeting Procedure**

The co-option decision must be made by the Council at a properly convened meeting with the item included on the agenda.

The Council may:

- determine the matter on the basis of written applications alone; or
- invite applicants to attend the meeting and give a short presentation and answer questions.

Where applicants are invited to attend, each applicant should be given the same opportunity and broadly the same amount of time.

The Chair will manage the process to ensure fairness and consistency.

## **9. Debate and Decision**

After hearing from applicants, the Council will debate the merits of the eligible candidates and vote.

Any exclusion of the press and public will only take place where lawful and justified. In most cases, the Council should act as openly as possible, but it may resolve to exclude the public for the consideration of confidential or exempt personal information where the legal test is met.

Councillors must consider applications fairly, on merit, and in the public interest. They must declare any relevant interest in accordance with the Council's Code of Conduct and legal requirements.

## **10. Voting**

Voting will take place in accordance with the Council's Standing Orders and this policy.

Where the number of eligible candidates is equal to or fewer than the number of vacancies, the Council may vote on whether to co-opt those candidates by a single motion.

Where there are more eligible candidates than vacancies:

- each vacancy will normally be filled by a separate vote;
- a candidate must receive an absolute majority of those present and voting to be co-opted;
- if no candidate receives such a majority, the candidate with the fewest votes will be eliminated and a further vote taken;
- the process will continue until a candidate receives the required majority;
- if there is a tie which prevents progress, the Council will determine the outcome in accordance with its Standing Orders or, if necessary, by lot.

Abstentions will not count as votes cast.

## **11. Notification of Outcome**

The Clerk will notify all applicants of the outcome as soon as reasonably practicable after the meeting.

The Council's minutes will record the decision.

## **12. Acceptance of Office and Register of Interests**

A successful applicant becomes a councillor upon being validly co-opted, subject to completing the necessary formalities.

Before acting as a councillor, the person must make a **declaration of acceptance of office** in the proper form, unless the Council permits this to be done at a later time

allowed by law. They must also complete their **register of interests** within 28 days of becoming a member.

The Clerk will provide the necessary forms and induction information.

### **13. Unsuccessful Applications**

Unsuccessful applicants will not automatically be carried forward for future vacancies. A fresh process will normally be undertaken for each vacancy unless the Council resolves otherwise and this is fair and transparent.

### **14. Equal Opportunities**

The Council welcomes applications from all eligible persons and will aim to ensure that the co-option process is inclusive, accessible and non-discriminatory.

### **15. Review of Policy**

This policy will be reviewed periodically and updated as required to reflect changes in legislation, guidance, and Council practice.

## **Appendix 1 – Summary of Qualification and Disqualification Rules for Co-option Applicants**

**Important note:** This appendix is a general summary only. The legal position is governed by the Local Government Act 1972 and any other relevant legislation in force at the time.

### **1. Basic qualification**

To be eligible for co-option, a person must be:

- aged 18 or over; and
- a British citizen, an eligible Commonwealth citizen, a citizen of the Republic of Ireland, or a qualifying EU citizen.

### **2. Local connection requirement**

In addition, the person must satisfy at least one of the following:

- they are registered as a local government elector for the parish; or
- for the whole of the previous 12 months they have occupied as owner or tenant land or other premises in the parish; or
- for the whole of the previous 12 months their principal or only place of work has been in the parish; or
- for the whole of the previous 12 months they have resided in the parish or within 3 miles of it.

### **3. Disqualification**

A person cannot be co-opted if they are disqualified from being elected to or holding office as a parish councillor. This includes where:

- they are employed by Barrowby Parish Council or hold a paid office under the Council;
- they are subject to a bankruptcy restrictions order or interim order;
- within the last five years they have been convicted of an offence and received a sentence of imprisonment of three months or more without the option of a fine, whether suspended or not;
- they are disqualified because of corrupt or illegal election practices; or
- they are subject to a relevant sexual-offence-related disqualification under current legislation.

### **4. Responsibility of applicants**

Applicants are responsible for satisfying themselves that they are eligible to serve. The Clerk may ask for information reasonably required to confirm eligibility, but the final responsibility rests with the applicant.

### **5. Further advice**

Anyone unsure about their eligibility should seek independent advice before applying.

The Council reserves the right to require confirmation or evidence of eligibility before any co-option is considered.