



Kingsclere Parish Council

Co-option Policy

Reviewed at the PPP Meeting October 2024 again at PPP April 2025
As adopted at the Annual Meeting 19th May 2025

INTRODUCTION

This policy sets out the procedure to ensure there is compliance with legislation and continuity of procedures in the co-option of members to Kingsclere Parish Council. The co-option procedure is entirely managed by the Council and this policy will ensure that a fair and equitable process is carried out. Kingsclere has 9 Parish Council seats.

CO-OPTION

The co-option of a Councillor occurs in two instances:

1. When an ordinary vacancy has arisen on the Parish Council after the ordinary elections held every four years.
2. When a casual vacancy has arisen on the Parish Council and no poll (by-election) has been called.

Ordinary vacancy

An ordinary vacancy occurs when there are insufficient candidates to fill all the seats on the Council at the ordinary elections held every four years. Any candidates who were nominated are automatically elected to the Council and any remaining vacancies are known as "ordinary vacancies". Provided there are enough Councillors to constitute a quorum, the Council is usually able to co-opt a volunteer to fill the vacancies. In some cases, the Borough Council (Basingstoke and Deane) may intervene and make an appointment or order an election to fill the vacancies.

Casual vacancy

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 a Council committee or sub-committee or to attend as a representative of the Council a meeting of an outside body.

The Council has to give notice of the casual vacancy and notify the Borough Council.

To request a by-election to fill the vacancy, ten (10) local government electors (in the parish) must write to the Returning Officer at the Borough Council within 14 days (not including weekends, bank holidays and other notable days) of the date of the notice of vacancy. They must give their names and addresses so they can be checked on the electoral register. The ten requests do not necessarily have to come in together and can be submitted via email or letter.

If a by-election is called, candidates must submit a valid nomination paper to stand for election.

If more than one (1) candidate is nominated a poll takes place but if only one (1) candidate is put forward they are duly elected without a poll.

If ten (10) residents do not request a by-election within fourteen (14) days of the vacancy notice being posted, the Parish Council may co-opt.

CONFIRMATION OF CO-OPTION

On receipt of written confirmation from the Electoral Services Office that no by-election has been claimed, the casual vacancy can be filled by means of co-option. The Clerk will:

- Advertise the vacancy for four weeks or such other period as the Council may agree on the Council noticeboard (Crown Green), website and Facebook page.
- Advise Basingstoke and Deane Borough Council that the co-option policy has been instigated:

This procedure will also apply in the case of an ordinary vacancy where the Electoral Services Office has confirmed that there were insufficient nominations to fill all the seats but there are sufficient Councillors elected to constitute a quorum.

ELIGIBILITY OF CANDIDATES

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

- he/she/they is/are 18 or over and is an elector.
- EU citizens wishing to stand must be a **qualifying EU citizen** or an **EU citizen with retained rights**. (please see explanation below)

and at least one of the following apply:

- have resided in the Parish for the past twelve months or rented/tenant land in the Parish or
- has had his/her/their principal or only place of work in the town for the past twelve months; or
- has/have lived within three miles of the Parish for the past twelve months.

There are certain disqualifications for being a Councillor, of which the main are (see section 80 of the Local Government Act 1972):

- holding a paid office or employment under the Council;
- bankruptcy;
- 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 preceding five years; or
- being disqualified under any enactment relating to corrupt or illegal electoral practices.

EU Citizens

EU citizens wishing to stand must be a **qualifying EU citizen** or an **EU citizen with retained rights**.

Meaning of qualifying EU citizens

A qualifying EU citizen is a citizen of a country:

- that has a bilateral Voting and Candidacy Rights (VCR) treaty with the UK
- is resident in the UK
- with any form of leave to remain or does not require such leave.

Currently (April 2025) the UK holds bilateral treaties with the following countries:

- Denmark
- Luxembourg
- Poland
- Portugal
- Spain

Meaning of EU citizens with retained rights

An EU citizen has retained rights if:

- they are a citizen of a country which **does not** have a bilateral Voting and Candidacy Rights (VCR) treaty with the UK
- **and** they have been legally resident in the UK since before the UK left the EU on **31/12/2020** (the Implementation Period Completion Date – IPCD)

The member states of the European Union which do not currently (April 2025) have a bilateral VCR treaty with the UK and are not Commonwealth countries are:

- | | |
|------------------|-------------------|
| • Austria | • Italy |
| • Belgium | • Latvia |
| • Bulgaria | • Lithuania |
| • Croatia | • The Netherlands |
| • Czech Republic | • Romania |
| • Estonia | • Slovakia |
| • Finland | • Slovenia |
| • France | • Sweden |
| • Germany | |
| • Greece | |
| • Hungary | |

APPLICATIONS

Candidates will be requested to:

KPC Councillor Co-option Policy
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- Attend at least one Parish Council meeting as observer where possible
- Send in a Letter of Interest stating reasons for wanting to become a Parish Councillor, including relevant skills / attributes / interests / parish links if any etc. (helpful where there may be more candidates than vacancies)
- Complete Declaration of Use of Personal Information (Copy attached Appendix A)
- Confirm eligibility for the position of Parish Councillor within the statutory rules, (a copy of the eligibility form is attached as Appendix B).

Following receipt of the Letter of Interest and confirmed eligibility form, the next suitable Council meeting will have an agenda item 'To receive and review correspondence for the office of Parish Councillor and to co-opt a candidate to fill the existing vacancy'. Eligible candidates will be invited to attend the meeting.

Copies of the eligible candidates' correspondence will be circulated to all Councillors by the Clerk at least 3 clear days prior to the meeting of the Full Parish Council, when the co-option will be considered. All such documents will be treated by the Clerk and all Parish Councillors as strictly confidential.

AT THE CO-OPTION MEETING

At the co-option meeting, candidates will be given five minutes maximum to introduce themselves to the current Councillors (members), give information on their background and experience and explain why they wish to become a member of the Parish Council. Cllrs will be given the opportunity to ask candidates questions.

The process will be carried out in the public session and there will be no private discussions between members prior to a vote being taken. However, in cases where the Council does require to discuss the merits of candidates and inevitably their personal attributes, this could be prejudicial, and the Chairman can resolve to exclude the members of the press and public at this point, if enough members agree. KPC wishes the process to be as open and transparent as possible and would strive to keep the meeting open and for members to vote without prior closed discussion. The vote will take place openly.

As soon as all candidates have finished giving their submissions, the Council will proceed to a vote with each candidate being proposed and seconded by the Councillors in attendance (as defined in the Standing Orders) and a vote by a show of hands (LGA 1972 Sch. 12. Para 13).

A recorded vote may be requested as per Standing Orders so as to show whether each Councillor present and voting, gave his/her/their vote for or against that question.

If there is more than one candidate, the candidate with the least number of votes will be deleted and the vote taken again until the number of candidates equals the number of vacancies. The successful candidates must have received an absolute majority vote of those present and voting.

AFTER THE VOTE

If present, a candidate who is co-opted will sign at the co-option meeting a Declaration of Acceptance of Office, including an undertaking to abide by Kingsclere Parish Councils Code of Conduct. The Councillor may take office thereafter. If not present, a co-opted candidate will sign the Declaration of Acceptance of Office either before or at the next meeting of the Parish Council.

The Clerk will notify Basingstoke and Deane Borough Council Electoral Services Team of the co-option of the new Councillor.

The co-opted Councillor will complete a Notification of Disclosable Pecuniary & Other Interests form which should be submitted directly to Borough Council within 28 days of the co-option. This is the sole responsibility of the Co-opted Councillor.

UNFILLED / ONGOING VACANCIES

If insufficient candidates are co-opted or apply, the process should continue, whereby the vacancies are re-advertised.

APPENDIX A – Declaration to accompany Councillor Vacancy Letter of Interest Document

Declaration & Consent

I have read the section entitled “Use of Personal Information” and by signing this I consent to the use and disclosure of my personal information included in my Letter of Interest. I declare the information submitted to be true and correct.

I consent to my details being retained if I am co-opted as a Councillor.

SIGNED

NAME

DATE

APPENDIX B – KINGSCLERE PARISH COUNCIL CO-OPTION ELIGIBILITY FORM

In order to be eligible for co-option as a Kingsclere Parish Councillor you must satisfy certain criteria. You must satisfy (a) and (b) below and at least one of the options (c) – (e). Please indicate which apply to you:

- a. I am 18 years of age or over; and registered as a local government elector;
- b. I am a qualifying EU citizen or an EU citizen with retained rights.
and
- c. 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
- d. My principal or only place of work during those twelve months has been in the parish; or
- e. I have during the whole of those 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 a Parish Councillor if he/she/they:

- a) Is/are employed by the Parish Council or holds paid office (other than Chairman, or Deputy Chairman) under the Parish Council (including joint boards or committees);
- b) Is/are employed by an entity controlled by the Parish Council.
- c) Is/are the subject of a bankruptcy restrictions order or an interim bankruptcy restrictions order or a debt relief restrictions order or an interim debt relief restrictions order; or
- d) Has/have within five years before the day of co-option, or since their co-option, 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
- e) Is/are otherwise disqualified under Part III of the Representation of the People Act 1983 (relating to corrupt or illegal electoral practices and offences relating to donations) or the Audit Commission Act 1998.

Use of Personal Information

The Parish Council will use the information provided on this form to assess your eligibility to be a Parish Councillor.

Declaration & Consent

I hereby confirm that I am eligible for the vacancy of Kingsclere Parish Councillor and I am not disqualified under Section 80 of the Local Government Act 1972 from being a Parish Councillor and that the information given on this form is true and correct. I have read the section entitled "Use of Personal Information" and by signing this form I consent to the use and disclosure of my information included in this form.

Signature.....

Name.....

Date.....

Please complete your

- **Letter of Interest (separate document, format of your choice),**
- **Sign and include the Declaration for Use of Personal Information (Appendix A)**
- **Sign and include your completed Co-option Eligibility Form (Appendix B)**

Send to:

The Clerk to the Council
The Parish Office,
37 George Street,
Kingsclere,
Hampshire
RG20 5NH
Tel: 01635 298634

or

Email: clerk@kingsclere-pc.org.uk