

# TOLLER PORCORUM PARISH COUNCIL

## DRAFT Co-option Policy and Procedures

Updated: 14 January 2026 | Next review date: May 2029 | Last review date: 14 January 2026

Adopted: 28 September 2022

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### INTRODUCTION

Town and parish councils are permitted to exercise the power to co-opt a person onto a council to fill a casual vacancy when the requirements to hold an election have not been met (i.e. the vacancy has been the subject of a public notice and less than 10 registered electors have requested an election by a deadline date specified by the Dorset Council Returning Officer).

Although seeking “expressions of interest” is not a legal requirement, the National Association of Local Councils (NALC) recommends that councils always give public notice of vacancies because this makes the process of co-option open and transparent and should attract more potential candidates.

Whenever the need for co-option arises, Toller Porcorum Parish Council (TPPC) will seek and encourage applications from anyone in the parish who is eligible to stand as a parish councillor. Councillors or parishioners can legally approach individuals to suggest that they might wish to consider putting their names forward for co-option.

The notice to co-opt will include: the method by which applications can be made; the closing date for all applications; a contact point to obtain more information and where information can be sourced electronically.

This co-option policy will be reviewed at the beginning of each new council term (usually four years).

### 1. Co-option - Stage 1

- 1.1 The co-option of a parish councillor occurs when a casual vacancy has arisen on the council and no poll (by-election) has been called. A casual vacancy arises when one of the following occurs during the council’s term of office:
  - a. a councillor fails to make their declaration of acceptance of office at the proper time;
  - b. a councillor resigns;
  - c. a councillor dies;
  - d. a councillor becomes disqualified; or
  - e. a councillor fails for six months to attend a meeting when summoned to do so and their apologies are not accepted.
- 1.2 TPPC will notify Dorset Council of a casual vacancy and then give public notice of the vacancy to provide electors the opportunity to request an election. This occurs when ten electors write to Dorset Council stating that an election is requested.
- 1.3 If a by-election is called, a polling station will be organised by Dorset Council and polling cards sent to residents. TPPC will be expected to pay the costs incurred with a by-election.

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- 1.4 If more than one candidate is nominated, a by-election will take place. When there is only one candidate they are duly elected without a ballot.
- 1.5 If ten residents do not request a ballot within the fourteen days of the public notice being posted, Dorset Council will inform TPPC that they can proceed with co-option, as follows:
  - a. advertise the vacancy for four weeks on the council notice boards and website, and
  - b. advise the council that the co-option policy has been instigated.

## 2. Co-option – Stage 2

- 2.1 Insufficiency of candidates at an ordinary election also provide the parish council with authority to exercise its rights to co-opt any person or persons to fill any vacancies within thirty-five days following the date of the ordinary election.

## 3. Eligibility of Candidates

- 3.1 The parish council can consider any person to fill a vacancy provided that:
  - a. they are on the parish electoral register; or
  - b. they have resided in the parish for the past twelve months or rented/tenanted land in the parish; or
  - c. their principal place of work is in the parish; or
  - d. they live within three miles (direct) of the parish.
- 3.2 There are certain disqualifications for election, as follows:
  - a. holding a paid office under the local authority;
  - b. bankruptcy;
  - c. 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;
  - d. being disqualified under any enactment in relation to corrupt or illegal practice.
- 3.3 Eligibility of the candidates will be confirmed at a meeting of the full council by the clerk, as per the Local Government Act 1972, s79 and s80.
- 3.4 All eligible candidates will be invited to attend a meeting of the full council following the application deadline. If candidates are unable to attend, the meeting will not be rearranged.

## 4. Applications

- 4.1 To assist candidates, a co-option criterion has been prepared (Appendix A) which provides candidates with guidance for their application forms.
- 4.2 Candidates will be requested to:
  - a. confirm their eligibility for the position of parish councillor within the statutory rules (Appendix B) and
  - b. submit information about themselves by completing an application form (Appendix C).
- 4.3 Following receipt of application(s) and at the next full council meeting there will be an agenda item as follows: 'To receive and consider written applications for the office of parish councillor and to co-opt a candidate to fill the vacancy/vacancies for Toller Porcorum Parish Council.'

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- 4.4 Prior to the next full council meeting, where applications for co-option will be considered, applications will ideally be circulated to all councillors at least three clear days before the meeting. If this is not possible, then applications will be tabled at the meeting and enough time allowed during the meeting for councillors to consider the applications. All applications will be marked 'strictly confidential' prior to circulation.

### 5. Full Council – Co-option Meeting

- 5.1 Candidates will have five minutes to introduce themselves to councillors, give information on their background and experience and explain why they wish to become a member of TPPC.
- 5.2 After submissions have been made, councillors will have the opportunity to ask candidates a few questions before proceeding to vote.
- a. If a candidate is unable to attend the meeting, the application can still be considered, and voting will be based on the application only.
- 5.3 The process will be carried out in a public session and there must be no discussion between members prior to a vote being taken.
- a. Where the council are discussing the merits of a candidate and personal attributes, this could be prejudicial, and the council should resolve to exclude members of the press and public.
- 5.4 If a candidate is a relative of a councillor, that councillor should declare a prejudicial interest and withdraw from the meeting.
- 5.5 When all candidates have given their submissions, the council will proceed to vote with each candidate being proposed and seconded by the councillors in attendance and a vote by a show of hands. A recorded vote may be requested (Local Government Act 1972, section 12, para 39).
- a. Only those councillors present at the meeting may vote upon a person to fill a vacancy - votes cannot be made by proxy.
- b. Councillors will have one vote per vacancy to be filled.
- c. The chair has a casting vote.
- 5.6 In order for a candidate to be elected to the council, it will be necessary for them to obtain an absolute majority of votes cast (50% plus 1 of the votes available at the meeting).
- 5.7 If there are more than two candidates and there is no candidate with an overall majority in the first round of voting, the candidate with the least number of votes will drop out of the process. Further rounds of voting will then take place with the process repeated until a candidate has an absolute majority.
- 5.8 The clerk will notify Dorset Council Electoral Services of the new councillor appointment and initiate Acceptance of Office paperwork and Registration of Interests within twenty-eight days of a new councillor being elected.
- 5.9 If insufficient candidates come forward for co-option, the process should continue whereby the vacancies are advertised again.
- 5.10 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.

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- a. If the number of candidates exceeds the number of vacancies each vacancy must be filled by a separate vote or a series of votes.

5.11 TPPC is not obliged to fill all vacancies but must take steps to advertise for further co-options or hold an election, where applicable, to fill vacancies.

5.12 Any candidate(s) found to be offering inducements of any kind will be disqualified.

### **6. Elected Councillors by Co-option**

6.1 Successfully co-opted candidates must sign a Declaration of Acceptance of Office before the clerk.

- a. After signing they become councillors with immediate effect and are no different to any other councillor. They may take their seat at council and are able to be appointed to committees.
- b. If a candidate(s) is absent from the meeting at which they are co-opted a Declaration of Acceptance of Office must be signed either before or at the next full council meeting.

6.2 Co-opted councillors will agree to abide by the Local Government Code of Conduct, introduced under the Localism Act 2011, and defined in TPPC's Code of Conduct policy.

6.3 Co-opted councillors must disclose any pecuniary interests and interests as defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012/1464 to the Monitoring Officer of Dorset Council within 28 days of taking office. The clerk will advise how to proceed.

### **7. Applying for a Casual Vacancy**

7.1 Those interested in applying for a casual vacancy cannot do so until a public notice is published.

7.2 Interested persons can write to or email the parish council expressing their interest in a casual vacancy. They will be asked to complete an eligibility form and an application form (Appendices B and C) when TPPC has authority to co-opt.

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### Appendix A – Councillor Person Specification

COMPETENCY	ESSENTIAL	DESIRABLE
Personal attributes	<ul style="list-style-type: none"> <li>• Sound knowledge and understanding of local affairs and the local community.</li> <li>• Forward thinking.</li> </ul>	<ul style="list-style-type: none"> <li>• Can bring a new skill, expertise or key local knowledge to the council.</li> </ul>
Experience, skills, knowledge and ability	<ul style="list-style-type: none"> <li>• Ability to listen constructively.</li> <li>• A good team player.</li> <li>• Ability to undertake a variety of projects.</li> <li>• An interest in local matters.</li> <li>• Ability and willingness to represent the council and the community.</li> <li>• Good interpersonal skills and able to contribute opinions at meetings whilst willing to see others' views and accept majority decisions.</li> <li>• Ability to communicate succinctly and clearly.</li> <li>• Ability and willingness to work closely with other councillors and to maintain good working relationships with all councillors and staff.</li> <li>• Ability and willingness to work with the council's partners (e.g. voluntary groups, other parish councils, principal authority, charities).</li> <li>• Ability and willingness to undertake induction training and other relevant training.</li> <li>• Ability and willingness to attend meetings of the council.</li> <li>• Ability and willingness to represent the council at other meetings, as necessary.</li> </ul>	<ul style="list-style-type: none"> <li>• Experience of working with voluntary and or local community / interest groups.</li> <li>• Basic knowledge of legal issues relating to town and parish councils or local authorities</li> <li>• Experience of delivering presentations.</li> </ul>

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### Appendix B – Eligibility Form for Co-option as a Councillor for a Casual Vacancy

Once complete, send this form, with a completed Application Form, to Toller Porcorum Parish Council:  
c/o 3 The Briars, Wool, Wareham, Dorset BH20 6NA or clerk@tollerporcorumparish.org

<b>Full name:</b>	
Are you a British subject, citizen of the Commonwealth or a citizen of the European Union?	Yes/No
On the 'relevant date' (i.e. the day of your application or, if there is a poll, on the day of election) are you 18 years of age or over?	Yes/No
Are you registered as a local government elector for the parish of Toller Porcorum?	Yes/No
During the whole twelve months preceding the date of your application, have you occupied, as owner or tenant, land or other premises in the parish of Toller Porcorum?	Yes/No
During the whole twelve months preceding your application, has your principal or only place of work been in the parish of Toller Porcorum?	Yes/No
During the whole twelve months preceding your application, have you lived in the parish of Toller Porcorum or within three direct miles of the parish of Toller Porcorum?	Yes/No

Under the Local Government Act 1972, section 80, a person is disqualified from being elected as a local councillor or being a member of a local council if specific criteria are not met.

Are you an employee of Toller Porcorum Parish Council?	Yes/No
Are you the subject of a bankruptcy restrictions order or interim order?	Yes/No
Within the last five years, have you been convicted of an offence in the UK, Channel Islands or the Isle of Man which resulted in a sentence of imprisonment (whether suspended or not) for a period of three months or more, without the option of a fine?	Yes/No
Are you disqualified by order of a court from being a member of a local authority?	Yes/No

#### Declaration

I, .....

hereby confirm that I am eligible for the vacancy at Toller Porcorum Parish Council and the information given on this form is a true and accurate record.

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## Appendix C – Application Form for Co-option as a Councillor for a Casual Vacancy

Once complete, send this form, with a completed Eligibility Form, to Toller Porcorum Parish Council:  
c/o 3 The Briars, Wool, Wareham, Dorset BH20 6NA or [clerk@tollerporcorumparish.org](mailto:clerk@tollerporcorumparish.org)

Full name:	
Address, incl. postcode:	
Mobile:	
Landline:	
Email:	
<p>Please tell us what <b>experience</b> you can bring to Toller Porcorum Parish Council - for example, previous local government experience, work in the voluntary or charitable sector and/or business experience.</p> <p style="text-align: center;">DRAFT</p> <p>Please continue on an additional page if required.</p>	
<p>Please tell us the <b>skills</b> that you can bring to Toller Porcorum Parish Council - for example, professional qualifications, financial or project management expertise.</p>	

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Please continue on an additional page if required.

Please explain why you are interested in becoming a parish/town councillor.

Please continue on an additional page if required.

Please include any other information you would like to add in support of your application.

Please continue on an additional page if required.

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Are there any questions that you would like to Toller Porcorum Parish Council?

Please continue on an additional page if required.

### Declaration

I declare that the information I have provided in this application is, to the best of my knowledge, accurate and true.

Signature\*:

Date:

Print name:

\*An electronic signature, i.e.: one that is typed, is acceptable if sending this form via email.

### Privacy Notice

Toller Porcorum Parish Council is committed to protecting and respecting the privacy of everyone and ensuring it is fully compliant under the UK General Data Protection Regulations and the Data Protection Act 2018. The council processes personal data in accordance with the law, please see the privacy notice on the website: [www.tollerporcorumparish.org](http://www.tollerporcorumparish.org) > Policies and Procedures, which provides more details on the processing of data.

For official use only:

Application checked:	
Eligibility checked:	
Application acknowledged:	

Date of full council meeting:	
Application decision:	
Applicant notified of decision:	