

Northstowe Town Council

Report to: Full Council

Meeting date: 23rd February 2022

Report for agenda item: **196/21-22 CO-OPTION OF COUNCILLOR**

- 1) **To Receive a report, setting out the co-option procedures as proposed.**
- 2) **To agree to co-opt to fill the current Casual Councillor Vacancy, following Cllr resignation in January 2022.**

Report prepared by: Clerk and RFO - Report last updated: 16th February 2022

Background to Co-option of a Town Councillor for Northstowe TC

In January 2022, one of the Northstowe Town Councillors resigned, triggering a procedure to attract a new Councillor, to fill the resulting casual vacancy through co-option.

Proposed co-option procedures –where a casual vacancy has arisen within six months of the date of an ordinary election:

In lieu of an existing Co-Option Policy adopted by Northstowe Town Council, the following procedures are recommended in the interim. These are in line with co-option ‘good practice’ procedures for co-option as recommended by NALC (see separate NALC Legal Topic Notes on this topic, available on request from the Clerk).

When a Councillor vacancy arises within 6 months of the date of the next ordinary elections – as is the case in this instance - an election procedure via the South Cambs District Council’s elections team will not be instigated, but the Town Council can still choose to co-opt although it does not have to.

Northstowe Town Council wishes to co-opt at all times, unless a vacancy arises within only two months of an ordinary election; this, to ensure the maximum number of Councillors present to represent and support the community, and to benefit the diversity of the Council.

As part of the co-option procedures, s.87(2) of the Local Government Act 1972 requires a Local Council to give public notice of casual vacancies.

A person is eligible to be co-opted provided he is qualified to be a Councillor pursuant to s. 79 of the 1972 Act and is not disqualified pursuant to s.80 of the 1972 Act.

Eligibility criteria and reasons for disqualification have been communicated to all prospective candidates and information hereto has been included in the application paperwork as [promoted through the Town Council website](#).

As part of the application form, prospective candidates have had to certify in writing that they meet the criteria for eligibility, set out in s. 79 of the 1972 Act, and that they are not disqualified, pursuant to s.80 of the 1972 Act, to be a member of the Council.

The decisions made by the Council about who to co-opt when casual vacancies arise should be transparent. It would be difficult for a Local Council to argue that there are special reasons which justify excluding the public during a Council meeting, (s.1(2) Public Bodies (Admission to Meetings) Act 1960) when it is making decisions about a matter of public interest such as co-option. The Town Council's debate and vote on the co-option must, therefore, be conducted in the public section of its meeting. It follows that the candidates, as members of the public, will also be entitled to be present during the proceedings.

The Clerk has checked all applications that have come in and, based on the information provided by the candidates, has checked that they are indeed eligible to stand for co-option.

In advance of the Full Council meeting where a decision on co-option is to be taken, the Clerk pre-circulates to all Councillors the information requested from and provided by prospective candidates on the application form (**see item 196/21-22 (3)**). This information forms part of the meeting pack and will also be available on the Town Council's website. The information against each candidate will be listed in the order of applications having come in, with the only personal information provided being prospective candidates' initial and surname.

At the relevant item, the Chairman will lead on a vote on the acceptability of each candidate for co-option, utilising the information provided to the Council. Northstowe Town 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.

An absolute majority vote is required for each candidate from all members present and entitled to vote (LGA 1972 Sch. 12. Para 39). An absolute majority means that the chosen candidate must receive more votes than the total of votes for all other candidates together. Where there are more than two candidates for a vacancy, it may be necessary to run a series of votes, each time removing the candidate who has the least number of votes until one candidate secures an absolute majority. Members must vote by show of hands, as per the Town Council's Standing Orders.

After the vote has been concluded, the Chairman will declare the successful candidate duly elected.

Following the resolution, the Clerk will approach and offer co-option to the candidate(s) in the order of priority determined by the vote taken. If the first choice does not accept the post then the second is to be approached and so on until the ranking list is exhausted. If no one accepts the vacant post(s), the whole process is to be repeated when new individuals expressing interest are identified or until the next election.

The co-opted Councillor(s) will, as soon as possible, fill in and sign a Declaration of Acceptance of Office, in the attendance of the Clerk or a Councillor before he/she can act as a Town Councillor. A Declaration of Acceptance of Office must be returned before or at the first meeting of the Town Council, unless the Council permits otherwise, which cannot be retrospective.

If present at the meeting when a vote is held, after signing their Declaration of Acceptance of Office, the co-opted Councillor may already take their seat immediately.

The Clerk will, as soon as possible, provide the new Councillor with the Council's Code of Conduct and a Councillor Induction Pack.

The Clerk will notify Electoral Services at the District Council of the new Councillor appointment. The successful candidate(s) must complete the 'Registration of Interests' within 28 days of being elected. The form should be handed to the Clerk for forwarding to the Monitoring Officer.

With a co-option position filled, the appointment will be formally ratified at the next Full Council meeting.

Recommendation

For the Council to agree to co-opt to fill the current Casual Councillor Vacancy, following Cllr resignation in January 2022.