

Northstowe Town Council

Report to: Full Council – Annual Meeting of the Town Council

Meeting date: 11th May 2022

Report for agenda item: **39/22-23 CO-OPTION OF COUNCILLOR**

- 1) To receive a report from the Clerk on the legal framework for co-option following an election.
- 2) To decide to start advertising to enable co-option.

Report prepared by: Clerk & RFO to Northstowe Town Council - Report last updated: 5th May 2022

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

The rules on filling vacancies arising from insufficient nominations at ordinary elections - due to an uncontested election-, resulting in vacant Members' seats when the new Council is formed, are different from and stem from different legislation from the rules on filling casual vacancies (which are vacancies arising from resignation, death or failure to attend meetings for six consecutive months).

The relevant legislation for co-option during the period directly following an election where members' seats remain vacant is the [Representation of the People Act 1985, s21](#).

The rules set out in this Act mean that Northstowe Town Council can decide to co-opt, without having to notify the District Council first up to and including 24th June 2022, which is the 35th day (counted are working days and excluding weekends and Bank Holidays) following the day of elections (the election day, 5th May 2022, is included in this calculation).

At a meeting held any time after the election members may co-opt under the power in section 21 RPA 1985, provided the meeting is quorate and co-option is a published agenda item.

Whether to co-opt, or not, is entirely a matter for Members. The Council could decide to co-opt, advertise and postpone a decision, or do nothing.

if the Town Council does not fill the vacancies by co-option within 35 working days the principal council may order a fresh election to fill the vacancies but it does not have to. Some principal councils do intervene and order an election and many don't.

For the purposes of completion, the normal procedure for co-option after the first 35 days:

When a casual vacancy arises, the clerk has to notify the monitoring officer (s.87(2) of the Local Government Act 1972). A legal notice is then sent to the clerk which has to be published on the noticeboards, website etc. This notice gives a 14 day opportunity for 10 electors to write in and call for a by-election. If this does not happen, the Town Council can then advertise for co-option, if it so wishes.

Recommendation

- For the Council to agree to advertise and co-opt to fill at least some of the current 4 Councillor vacancies within the 35 day period.
- To consider developing a Co-option Policy for the Council, enabling the Council to react quickly where vacancies may arise in the future.