



CO-OPTION POLICY

Northstowe Town Council



DRAFT

MAY 25, 2022
NORTHSTOWE TOWN COUNCIL
VERSION 1.0 (DRAFT)

CO-OPTION POLICY

1. 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 Northstowe Town Council (NTC). The Co-option procedure is entirely managed by NTC and the objective of this policy is to ensure a fair and equitable process is implemented.

This Co-option Policy was developed to provide further details to [NTC's Standing Orders 8\(a\)](#), which states, *'Where more than two persons have been nominated for a position to be filled by the Council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. A tie in votes may be settled by the casting vote exercisable by the chairman of the meeting.'*

This policy was created to provide, in particular, details and clarification on the processes how Northstowe Town Council (NTC) co-opts Councillors when vacancies arise, setting out the voting procedures and important information including Councillor eligibility with an example of the co-option application form.

The procedures described in this policy are in line with co-option 'good practice' procedures for co-option as recommended by [NALC](#).

2. Councillor Vacancies

According to [Section 87 of the Local Government Act 1972](#) a Casual Vacancy for a Town Councillor position occurs when:

- A councillor fails to make his declaration of acceptance of office within the statutory time limit; *or*
- A councillor resigns; *or*
- A councillor dies; *or*
- A councillor becomes disqualified (by virtue of a conviction, or committing an offence as specified in the legislation); *or*
- A councillor fails for six (6) consecutive months to attend meetings of the Council or Committee.

When such a situation arises, the Town Council has to notify South Cambridgeshire District Council of a Casual Vacancy (as per s87(2) of the Local Government Act (LGA) 1972).

A legal notice is then sent to the Clerk which has to be published on the noticeboards and website, for the Town Council to give public notice of casual vacancies and advertise the vacancy (LGA 1972, s87(2)) and notify the Town Councillors that the Co-option policy has been instigated.

This notice gives a 14 day opportunity for 10 electors to write to South Cambridgeshire District Council (SCDC) stating that an election is requested.

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

If, following the 14 days' notice period, this electors' request has not materialised, the Town Council can then advertise for co-option, if it so wishes.

3. Co-option by the Town Council

If, in the case of a regular Casual Vacancy ten (10) residents do not request a ballot within fourteen (14) days of the vacancy notice being posted, as advised by the Electoral Service Manager at South Cambridgeshire District Council, the Town Council is thereafter able to co-opt a Member.

The Council can also decide to co-opt straight away in the circumstances as set out in 3.1 and 3.2.

3.1. Co-option during the six months preceding an ordinary election

When a Councillor vacancy arises within 6 months of the date of the next ordinary elections – which are held every four years -, the usual procedure via the South Cambs District Council's elections team – as described above - will not be instigated.

During this period, the Town Council can choose to co-opt if it so wishes, although it does not have to. Whether co-option is to take place will, when such a scenario arises, be decided on at a Full Council meeting.

Northstowe Town Council should seek to co-opt at all times, unless a vacancy may arise within the final two months before an ordinary election is due to take place. This is to ensure the maximum number of Councillor seats (15) are filled at all times wherever possible, for the Town Council to be able to represent and support the community most effectively, and to benefit the diversity of the Council itself.

3.2. Co-option during the first 35 days following an ordinary election

The rules on filling vacancies arising from insufficient nominations at ordinary elections, resulting in vacant Members' seats as a result of an uncontested election, are different from the above rules on filling Casual Vacancies.

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 inclusive of the 35th working day following the day of the elections (with the day of elections being included in the calculations).

At a Council meeting held any time after the election day Members may co-opt under the power provided in RPA 1985, s21, provided the meeting is quorate and co-option is a published agenda item.

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

Note: If the Town Council does not fill the vacancies by co-option within 35 working days following an ordinary election the principal council (SCDC) may order a fresh election to fill the vacancies but it does not have to. Some principal councils do intervene and order an election but many don't and usually only do so if very low numbers of Councillors have been elected that the Council would not be quorate.

4. Eligibility

A person is eligible to be co-opted provided they are qualified to be a Councillor pursuant to [Local Government Act \(LGA\) 1972, s79](#) and are not disqualified from being a Member pursuant to [LGA 1972, s80](#). Further details on eligibility criteria can also be found at the website of the [Electoral Commission](#).

The Town Council is able to consider any person to fill a vacancy provided that they;

1. are over eighteen (18) years of age; *and*
2. are a UK, Irish or a Commonwealth citizen, or a citizen of any member state of the European Union; *and*
3. And meet at least one of the following four criteria;
 - Are registered to vote in Northstowe, via the registration on the register of electors; *or*
 - Occupy as owner or as tenant land or premises within the parish boundaries within the past 12 months; *or*
 - Work in the parish as their principal or only pace of work; *or*
 - Live within three miles of the parish boundary.

A person is *disqualified* from being elected as or being a Town Councillor if they;

- Have within 5 years before the day of election, or since their election, been convicted in the U.K., Channel Islands or Isle of Man of any offence and has been sentenced to imprisonment (whether suspended or not) for not less than 3 months without the option of a fine; *or*
- Are the subject of a bankruptcy restrictions order, or an interim bankruptcy restrictions order, or a debt relief restrictions order or interim debt relief restrictions order under Schedule 4ZB of the Insolvency Act 1986; *or*
- Are an employee of the Town Council; *or*
- Otherwise disqualified under Part lit of the Representation of the People Act 1983 for corrupt or illegal practices, or under the Audit Commission Act 1998 consequent upon audit proceedings.

5. Applications

Once the Council has decided to co-opt for (a) vacancy/-ies that have arisen, an application form will be made available on the Council's website and promotion of the co-option opportunity will take place. The date of the meeting when the co-option is to be made will be stated in the advertisement.

People who wish to nominate themselves for co-option will be asked to submit information about themselves by way of completing a short application form (available on the Council's website as a separate Word document), which includes submitting a personal statement. In this form a declaration that they are eligible and that they are not disqualified to become a Councillor will also have to be made by the applicant.

All enquiries, as well as completed application forms will be dealt with by the Town Clerk. The Clerk will check the application form for completeness and make checks on eligibility, based on the information supplied, to ensure that all nominees are deemed eligible to stand for co-option.

In advance of the Council meeting where a decision on co-option is to be taken, the Clerk pre-circulates to all Councillors the information provided by prospective candidates on the application form. This information forms part of the meeting pack and will also be made available on the Town Council's website. The information against each candidate will be listed in the order of applications as they have come in, with the only personal information provided to the Members are the prospective candidates' full name and the written statements in the comment boxes of the applications;

Following receipt of applications, the next suitable Town Council meeting will have an agenda item 'To receive written applications for the office of Town Councillor and to co-opt (a) candidate(s) to fill the existing vacancy/-ies'. Eligible candidates will be invited to attend the meeting.

If insufficient candidates come forward for co-option, the process should continue, whereby the vacancies are again advertised.

6. Candidate presentation

The decisions made by the Council about who to co-opt when casual vacancies arise should be transparent. Thus, at the meeting of the Town Council, consideration of applications will be dealt with in a public session. There would normally be no special reasons which would justify excluding the public during a Council meeting, ([s1\(2\) 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, as Members of the Public, during the proceedings.

All candidates will be asked (and be recommended) to attend the meeting at which co-option is to take place, in person, to present themselves to the Council. Each candidate will be given a maximum of two (2) minutes to set out why they wish to join the Town Council and how they see themselves adding value to the Town Council's work with and for the community.

7. Voting Process

Northstowe Town Council is never obliged to fill any Councillor vacancy. Even if the Council invites applications for co-option, it is not obliged to select anyone from the candidates who apply, and can also decide to fill a selection of the seats available even if there are more candidates who have nominated themselves.

Each Member can vote as they see fit, but Councillors are to guide their voting on the following information provided;

- The personal statement on the application form, describing;
 - the reason(s) why the candidate wishes to become a Town Councillor;
 - an overview of the skills, knowledge, expertise or life experiences that the candidate sees being beneficial to the Council and the Northstowe community;
 - An understanding as to which Standing Committees, Working Groups and external bodies the candidate sees themselves contributing to.
- The presentation on the day when the voting takes place.

At the relevant agenda item, and following the candidates' presentations, the Chairman will start by lead on a vote to co-opt candidate(s), utilising the information pre-circulated to the Council via the Clerk.

Voting can take place by show of hand (NTC Standing Orders 3(s)) or, at the Chairman's discretion, can be done by secret ballot papers instead (NTC Standing Orders 8(b)). With co-option the default will be voting via ballot papers, unless the Chairman decides otherwise.

At each round of voting Councillors will be provided with ballot papers and have one (1) vote each. Members present and voting will, at each round of voting, write down one name of the person they wish co-opted. They can also write 'none' if they decide that they do not wish the position filled by any of the (remaining) candidates.

Ballot papers will be collected by the Town Clerk who will then count and record the votes using a Verification and Count Sheet that will remain on the Town Council's files.

Following the counting, the Town Clerk will read out the results and, together with the Chairman, declare the results and the proceedings for the next round of voting, where deemed necessary.

Voting will be according to the statutory requirement in that a successful candidate must have received an absolute majority vote of those Members present and voting (Local

Government Act 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. For example, if Candidate A receives four (4) votes and Candidate B and C receive two (2) each, Candidate A is not elected as they have the same number of votes as B and C together. In the case of a tie at such a point the Chairman of the Town Council would have a casting vote, if they wish to make use of that. Alternatively, in such a case it is necessary to conduct a ballot between the tied candidates to eliminate one (1) of them.

This process must, if necessary, be repeated until an absolute majority is obtained and all vacancies are filled, or an absolute majority of the votes state 'none' at which moment co-option procedures stop and any remaining vacancies are not filled.

After the voting procedures have been concluded, the Chairman will declare the successful candidate(s) duly elected. This requires a resolution to be passed.

8. Offer and acceptance of Councillor position

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 two Councillors before they can act as a Town Councillor.

If present at the meeting when a vote is held, newly co-opted Councillors will be offered to sign their Declaration of Acceptance of Office, the co-opted Councillor may already take their seat immediately.

A Declaration of Acceptance of Office must be returned before or at the first meeting of the Town Council, unless the Council permits otherwise and which cannot be retrospective.

Following the meeting, the Clerk will provide the new Councillor with the Council's Code of Conduct and a Councillor Induction Pack, and book the new Councillor on a New Councillor training session as soon as possible.

The Clerk will notify Electoral Services at the District Council of the new Councillor appointment. The Clerk will also alert the successful candidate(s) who must complete the statutory required '[Registration of Interests](#)' form within 28 days of being elected. The form should be handed to the Clerk for forwarding to the SCDC Monitoring Officer and Electoral Team.

Document History

Status	Date	Version
First draft by Clerk.	May 2022	V1.0
Draft to Full Council (item 55/22-23).	25 th May 2022	V1.0

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