



## STOTFOLD TOWN COUNCIL

### CO-OPTION POLICY 2026

#### VERSION 2

#### 1. Introduction

- 1.1 The normal process for filling a casual vacancy is election by the local electorate at a by-election. Co-option is the process by which the Town Council selects a new Councillor, rather than a by-election taking place.
- 1.2 This policy is made in accordance with the Local Government Act 1972 (including sections 79, 80 and 87–89), the Representation of the People Act 1983, and the Local Elections (Parishes and Communities) (England and Wales) Rules 2006. These legislative provisions set out how vacancies occur, how they are publicised, the rights of electors to request an election, and the circumstances in which a Town Council may fill a vacancy by co-option.
- 1.3 If the period of vacancy has six or more months to run until the next ordinary election, the Town Council must use the co-option process, as soon as practicably possible. If the next ordinary election is within six months, the Town Council does not have to co-opt.
- 1.4 The Town Council is not obliged to select anyone from the candidates who apply in the co-option process; if the process is unsuccessful (whether through lack of or no suitable candidates which achieve a majority vote) then the Town Council will rerun the co-option process, subject to the timescales at 1.3 above.
- 1.5 The Town Council will manage the process of co-option itself, with this policy outlining the procedure to be followed by the Town Council when co-option is considered, to ensure a fair and transparent process is undertaken.

#### 2. Timeline of a Casual Vacancy Occurring

- 2.1 Upon learning of a casual vacancy from a seat falling vacant (through the disqualification, resignation, or death of a councillor, for example), the Town Clerk will The Town Clerk (as Proper Officer) will *send a copy of the Notice of Vacancy to the Returning Officer* at Central Bedfordshire Council to ensure the vacancy period can be monitored.
- 2.2 Where the vacancy arises as a result of the death of a serving Councillor, the Notice of Vacancy will not be displayed until after the funeral has taken place, as a matter of respect and good practice
- 2.3 CBC will advertise the vacancy and require the Town Council to make sure the notice of a casual vacancy is shared in conspicuous places. The Town Council meets this requirement by displaying the notice on its noticeboards, social media, and website.
- 2.4 A legal timeframe of fourteen working days (excluding weekends and bank holidays) applies from the date that the official Notice of Vacancy is posted for ten or more electors of the

relevant ward to request a by-election. The Town Clerk will confirm the statutory deadline directly with the Returning Officer to ensure accuracy.

- 2.5 If the requirements at 2.4 are not met and a poll is not requested by ten or more electors, Central Bedfordshire will notify the Town Council that the casual vacancy may be filled by co-option.
- 2.6 The other way in which a casual vacancy can occur (rather than by a seat falling vacant), is from the lack of eligible candidates at ordinary elections. In this case, Central Bedfordshire's Elections Department would notify the Town Council immediately after the results of the ordinary elections are known that co-option can take place.
- 2.7 As per 1.3 above, where there is six months or more until the next ordinary election, the Town Council will follow the process set out within this policy document upon notification that co-option can take place.
- 2.8 If a vacancy occurs within six months of the next ordinary elections, no by-election will be held. The Council may choose to co-opt to fill the vacancy, but it is not obliged to do so.

### **3. Advertisement Process**

- 3.1 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.
- 3.2 The Council is committed to fairness, equality of opportunity and broad community representation. Applications are actively encouraged from under-represented groups, and the Council will make reasonable adjustments for applicants with disabilities. All appointments will be made on merit against published criteria and in accordance with the Equality Act 2010. Where candidates are of equal merit, the Council may apply positive action to address under-representation, provided this does not result in the appointment of a less suitable candidate.
- 3.3 On receipt of written notice from Central Bedfordshire (the local electoral authority) that a casual vacancy may be filled by means of co-option (see section 2 above):
  - The Town Clerk will advise the Mayor and Council of the vacancy to be filled by co-option before ensuring this is advertised.
  - The co-option advertisement will include the closing date for requests for consideration (fourteen days after the date of the advertisement) and the number of vacancies, and the meeting date when the co-option will be held. This will be shared on the Town Council's website, social media platforms and noticeboards.
  - The Council may also promote the vacancy through community organisations, networks or partner groups to encourage wide engagement.
- 3.4 Councillors may point out the vacancies and the process to any qualifying candidate(s). Candidates found to be offering inducements of any kind will be excluded from the process.

### **4. Eligibility and Application Process**

- 4.1 Applicants must confirm that they meet the statutory qualification criteria to serve as a Town Councillor.

- 4.2 Eligibility and disqualification provisions arise under Sections 79 and 80 of the Local Government Act 1972. Applicants are responsible for ensuring that they understand both the qualifications and the disqualifications and should seek advice if in doubt.
- 4.3 Applicants must provide a signed written declaration confirming that they meet the eligibility criteria set out in section 79 of the Local Government Act 1972 and that they are not disqualified under section 80 of that Act.
- 4.4 Applicants will complete the Council's standard application form and return it to the Town Clerk by the advertised deadline.
- 4.5 A schedule of applicants will be prepared for Members and considered at the next meeting of Full Council.
- 4.6 Nominees do not need to be present at the Council meeting where the co-option takes place to be considered.
- 4.7 4.6 The Town Clerk may verify eligibility information and, where necessary, seek advice from the Electoral Registration Officer or the Council's County Association prior to the meeting.

## **5. Consideration of Applications**

- 5.1 Applications will be shared with Members for the purposes of the co-option process. The co-option discussion and vote will take place in public to ensure transparency; however, personal data within applications will be handled in accordance with the Council's Privacy Notice and will not be published.
- 5.2 Candidates will be invited to speak at the Full Council meeting (in public session) to outline their suitability for the role.
- 5.3 Councillors must abide by the Code of Conduct throughout the process.
- 5.4 In considering applications, the Council may have regard to the overall balance of representation on the Council, including diversity of background, age, gender, geography, and relevant skills or experience. This will not form part of the formal eligibility criteria and applicants will not be excluded on the basis that they do not possess particular skills.

## **6. Voting Process**

- 6.1 Copies of all applications will be circulated, via agenda, to all Councillors by the Town Clerk at least three clear working days prior to the Full Council meeting where the co-option will be considered. The applications will be treated by the Town Clerk and Councillors as strictly confidential. GDPR will be adhered with personal details being redacted.
- 6.2 The co-option process will be determined in a public session of the Town Council.
- 6.3 Councillors are bound to declare a prejudicial interest if they or a member of their family or close associate is related to or have a close relationship to an individual candidate. If a Councillor is uncertain of whether an interest is declarable, they can seek the advice of the Town Clerk ahead of the meeting. If a dispensation is requested and not granted, the Councillor will have to withdraw from the meeting for the co-option item of the agenda.
- 6.4 The Chair will arrange the names of all properly nominated candidates in alphabetical order before voting begins.

- 6.5 A candidate can only be elected by co-option following a majority vote of Full Council. A majority vote is a majority of the total number of Councillors present at the meeting e.g., if there are 15 councillors voting, the majority would be 8 votes.
- 6.6 Councillors will have one vote per vacancy to be filled. Voting is by a show of hands.
- 6.7 Where more than 2 persons have been nominated for a position to be filled by the Council and none of those persons have 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 any one person. Any tie may be settled by the Chair's casting vote.
- 6.8 Where the number of candidates is less than or equal to the number of vacancies, the candidates shall be appointed to the Council if they meet the eligibility criteria.

## **7. Successful Co-option – Next Steps**

- 7.1 The successful candidate will be formally resolved by the Council and their name recorded in the minutes.
- 7.2 The co-opted members will be asked to sign a Declaration of Acceptance of Office before or at the first meeting of the Town Council after their election and to agree to be bound by the Town Council's adopted Code of Conduct. They may then take their seat at the Town Council and will have the ability to be appointed to committees and/or become a representative to local organisations.
- 7.3 The Register of Members Interests form must be completed within 28 days of election and sent to Central Bedfordshire's Monitoring Officer.
- 7.4 Newly co-opted Councillors will be offered introductory training, including training provided by the Bedfordshire Association of Town and Parish Councils, to support their understanding of governance, ethics and the strategic role of the Town Council.
- 7.5 Unsuccessful candidates may request feedback on the process. Feedback will be provided in a constructive and proportionate manner, subject to confidentiality and data protection requirements.

## **8. Records and Complaints**

- 8.1 The Council will retain appropriate records of the co-option process, including applications, eligibility checks and decisions, in accordance with its document retention schedule and data protection legislation.
- 8.2 Any complaints regarding the co-option process will be handled in accordance with the Council's adopted Complaints Policy.

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### **Document History**

<b>Version No</b>	<b>Date</b>	<b>Comments</b>
1	20/12/2023	Policy devised on NALC and SLCC best practice.
2	28/1/2026	Updated with Local Elections (Parishes and Communities) (England and Wales) Rules 2006 and removal of Chairman and in line with NALC best practice.