



## STOTFOLD TOWN COUNCIL

### CO-OPTION POLICY

#### 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 There are two circumstances under which the Town Council may proceed to fill a casual vacancy by co-option:
  - When a seat has been left vacant because no eligible candidate stood for election at the ordinary elections for a new council (currently every four years).
  - When a seat falls vacant but the required ten electors of the relevant ward have not called for a poll (by-election) within the legally specified time period following publication of the notice of vacancy (see section 2 below).
- 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 notify Central Bedfordshire Council's (CBC) Electoral Services Department of the vacancy.
- 2.2 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.
- 2.3 A legal timeframe of fourteen days is assigned, from the date of the notice, for ten or more electors in the relevant town ward with the vacancy to contact the Returning Officer requesting that a poll (by-election) be held. If this occurs, the District Council will issue a notice of poll and manage the by-election process accordingly.

- 2.4 If the requirements at 2.3 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.
- 2.5 As alluded to at 1.2 and 2.1, 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.
- 2.6 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.
- 2.7 If co-option is not used to fill a vacancy due to there being less than six months to the ordinary election, that seat will be filled as usual in the ordinary election process.

### **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 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.
- 3.3 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. Application Process**

- 4.1 Applicants for a vacancy will be asked to:
- Confirm their eligibility for the position of councillor within the statutory rules and that they are not disqualified from standing. A copy of the criteria is set out within the Councillor Casual Vacancy Application Form.
  - Submit information about themselves by completing a Councillor Co-option Application Form (see Appendix A), including a description of their interest in becoming a councillor and specifying any skills or qualifications which may benefit the Town Council.

## **5. Decision-Making Process**

- 5.1 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.
- 5.2 The co-option process will be determined in a public session of the Town Council.
- 5.3 Councillors are bound to declare a prejudicial interest if they or a member of their family or close associate are 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.
- 5.4 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.
- 5.5 Councillors will have one vote per vacancy to be filled. Voting is by a show of hands.
- 5.6 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 Chairman's casting vote.
- 5.7 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.

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

- 6.1 Successfully co-opted candidates become Councillors in their own right, with immediate effect (subject to the signing of the declaration of acceptance of office).
- 6.2 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.
- 6.3 The Register of Members Interests form must be completed within 28 days of election and sent to Central Bedfordshire's Monitoring Officer.
- 6.4 Any newly co-opted members will be provided with a welcome pack and invited to attend an induction session with officers. This should take place, where possible, before the next Full Council meeting.

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### **Revision History**

<b>Date</b>	<b>Comments</b>
20/12/23	Policy devised on NALC and SLCC best practice.