

COUNCILLOR COOPTION POLICY

Reference	SNTC/AD006	Adopted by	Full Council
Prepared by	C Robson (Town Clerk)	Adopted date	28 March 2023
Monitored by	Town Clerk	Minute reference	TC-22/23-173
Monitoring Review	Every four years	Review date	March 2027

1. INTRODUCTION

- 1.1 Although the process for co-option is not prescribed in Law for parish councils, County and District Councils and Local County Associations of Town and Parish Councils provide best practice advice and guidelines. It is especially important that all applicants are treated alike and that the process is open and transparent.
- 1.2 According to Section 87 of the Local Government Act 1972 a casual vacancy occurs when:
 - A councillor fails to make his declaration of acceptance of office at the proper time
 - A councillor resigns
 - A councillor dies
 - A councillor becomes disqualified
 - A councillor fails for six months to attend meetings of a council committee or sub-committee or to attend as a representative of the Council a meeting of an outside body.
- 1.3 The Town Council must notify Huntingdonshire District Council of a Casual Vacancy and then advertise the vacancy and give electors the opportunity to request an election. This occurs when ten¹ electors write to Huntingdonshire District Council stating that an election is requested. If an election is called and more than one candidate is then nominated, a by-election takes place but if only one candidate is put forward, they are duly elected without a ballot.
- 1.4 A vacancy may also arise because no eligible candidate stood for election at the full council elections for a new council (currently at four-yearly intervals). In this instance the Town Clerk would be notified of vacancies by the District Council and efforts must be made to fill the vacancies by co-option.

2. CO-OPTION TO THE TOWN COUNCIL

- 2.1 If ten residents do not request a ballot, or the vacancy has arisen following a full council election the Town Council is able to co-opt a volunteer.
- 2.2 The Town Council will follow the co-option process in the event of a vacancy. The Council is not obliged to select any candidate/s that apply for co-option.
- 2.3 It is not desirable that electors in a particular ward be left partially or fully unrepresented for a significant length of time. Neither does it contribute to effective and efficient working of the Council if there are insufficient Councillors to share the workload equitably; to provide a broad cross-section of

¹ The Local Elections (Parishes and Communities) (England and Wales) Rules 2006, S.5 (b)

skills and interests; or to achieve meeting quorums without difficulty, given that some absence is unavoidable at times.

2.4 Eligibility for co-option;-

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

- They are over 18 years of age
- Are a UK, EU or Commonwealth citizen
- Are registered to vote in St Neots or has lived or worked in St Neots (~~or within three miles of its boundary~~ in the same qualifying boundary as with eligibility for election to the Town Council) for the 12 months before the day of your nomination.
- Amend section 2.4 point three to state candidates will 'live in the same qualifying boundary as with eligibility for election to the Town Council'
A person is disqualified from being a Town Councillor if within five years before their election or since election:
 - They have served a prison sentence (including suspended sentences) of three months or more within the last five years²
 - Have been adjudged a bankrupt³
 - Is an employee of the Town Council⁴
 - Is disqualified under legislation⁵

2.5 Councillors elected by co-option are full members of the council.

2.6 To ensure a fair and transparent process is undertaken this policy sets out the process to be followed by St Neots Town Council when co-option is under consideration.

3. APPLICATION PROCESS TO BE FOLLOWED

3.1 On receipt, of written notification, from the Electoral Officer at Huntingdonshire District Council, that a casual vacancy may be filled by means of co-option;

- a) The Town Clerk will announce the vacancy or vacancies to be filled by co-option within 7 days receipt of the written notification by means of displaying a Notice on the Council Noticeboard, website and social media. A copy will be sent to the local press.
- b) The co-option notice will include the closing date for acceptance of requests for consideration and the number of vacancies.
- c) The co-option notice will be displayed on all Council owned noticeboards.
- d) The Town Clerk will advise the council when the Co-option Policy has been instigated, by sending an email to all councillors and including notice of the co-option process and timeframes on the next appropriate agenda.

3.2 Members may point out the vacancy or vacancies and the process to any qualifying candidate(s).

3.3 Although there is no Statutory Requirement to do so, Applicants for co-option will be asked to:
a) provide information about themselves by submitting a personal statement of no more than 300 words.

² LGA 1972, S.80 (1)(d)

³ LGA 1972, S.80 (1)(b)

⁴ LGA 1972, S.80 (1)(a) and (b)

⁵ [Local Government Act 1972 \(legislation.gov.uk\)](http://www.legislation.gov.uk)

b) confirm their eligibility for the position of Councillor within the statutory rules. This will be verified by the Town Clerk.

- 3.4 All eligible candidates will be invited to attend the next Full Council meeting following the application deadline. Candidates will also be informed that they will be invited to speak for up to three minutes about their application during the relevant agenda item. If a candidate is unable to attend, this meeting will not be rearranged and the co-option process will still take place based on the meeting and the candidate application form.
- 3.5 Personal statements will be circulated to all Members for consideration at a meeting of the Town Council. Candidate names will be displayed on the agenda for the relevant Council meeting. No other applicant details will be displayed and all documents will be treated by the Clerk and Councillors in accordance with Data Protection requirements where they contain personal information. At the meeting of the Town Council consideration of applications will be dealt with in the public session.
- 3.6 Applicants can withdraw no later than 24 hours prior to the meeting where the co-options are to be considered.

4. VOTING PROCESS

- 4.1 Voting will be according to the statutory requirement in that a successful candidate must have received an absolute majority vote of those present and voting.
- 4.2 If there are more than two candidates for one vacancy and no one of them receives an absolute majority over the aggregate votes given to the rest, steps must be taken to 'strike off' the candidate with the least number of votes and the remainder must then be put to the vote again. For example, if Candidate A receives four votes and Candidates B and C receive two each, Candidate A is not elected as he has the same number of votes as B and C together.
- 4.3 In such a case it is necessary to conduct a ballot between the tied candidates to eliminate one of them. In the case of a tie at such a point the Town Mayor would have a casting vote.
- 4.4 This process must, if necessary, be repeated until an absolute majority is obtained.
- 4.5 Councillors shall vote by show of hands, or, by a roll call facilitated by the Town Clerk. However, if any member so requests, the Clerk shall record the names of members who voted on any question to show whether they voted for, against, or abstained.
- 4.6 In the case of an equality of votes, the Chairperson of the meeting has a second or casting vote. The casting vote in an equality of votes, always rests with the person chairing the meeting⁶.
- 4.7 After the vote has been concluded, the Chairperson will declare the successful candidate duly elected and after signing their declaration of Acceptance of Office may take their seat immediately.

5. ACCEPTANCE OF OFFICE

- 5.1 The Successful candidate(s) must sign their declaration of Acceptance of Office before they can act as a councillor. The Register of Interest must be completed within 28 days and the Town Clerk will provide a

⁶ Local Government Act 1972 s15 (3)



St Neots
Town Council

t: 01480 388911

e: enquiries@stneots-tc.gov.uk

w: www.stneots-tc.gov.uk

a: The Priory, St Neots, PE19 2BH

copy of the form to the newly elected Councillor. Once the form has been completed, the Town Clerk will send this to the Monitoring Officer at Huntingdonshire District Council.