



Co-Option Policy and Procedure

Approved by The Town Council 27 November 2023

This policy and procedure sets out the way in which the Town Council will deal with the co-option of Members with the aim of full compliance with legislation, consistency, continuity, fairness and equity.

Co-option

- 1.1 The Co-option of a Town Councillor occurs when a casual vacancy has arisen on the Council and no poll (by election) has been called. A casual vacancy occurs when:
 - i. A councillor fails to make his/her declaration of acceptance of office at the proper time;
 - ii. A councillor resigns;
 - iii. A councillor dies;
 - iv. A councillor becomes disqualified; or
 - v. A councillor fails for six (6) months to attend meetings of a council committee or subcommittee or to attend as a representative of the Council a meeting of an outside body.
- 1.2 North Petherton Town Council has to notify Somerset Council of a Casual Vacancy and then advertise the vacancy and give electors the opportunity to request an election. This occurs when ten electors write to Somerset Council stating that an election is requested.
- 1.3 If a by-election is called, a polling station will be set up by Somerset Council and the people of the parish will be asked to go to the polls to vote for candidates who will have put themselves forward by way of a nomination paper. North Petherton Town Council will pay the costs of the election. The people of the parish have fourteen days (not including weekends, bank holidays and other notable days), to claim the by-election, but the electoral officer will advise the clerk of the closing date.
- 1.4 If 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.
- 1.5 If ten residents do not request a ballot within fourteen days of the vacancy notice being posted, as advised by Somerset Council, North Petherton Town Council is able to co-opt a volunteer.

Confirmation of Co-option

- 2.1 On receipt, of written confirmation, from the Electoral Services Office from Somerset Council, the casual vacancy can be filled by means of co-option, the Town Clerk will:
 - i. Advertise the vacancy on the Town Council notice boards and website;
 - ii. Advise Town Councillors that the Co-option Policy has been instigated.
- 2.2 The Co-option process will take place as soon as is practicable as it is not desirable that electors in a particular ward be left partially or fully underrepresented 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 skills and interests or to achieve meeting quorums without difficulty.

- 2.3 Councillors elected by co-option are full members of North Petherton Town Council although are not eligible to claim an allowance (should one be introduced).

Eligibility of Candidates

- 3.1 North Petherton Town Council is able to consider any person to fill a vacancy provided that:
- i. He or she is an elector for the parish; or
 - ii. has resided in the parish for the past twelve months or rented/tenanted land or other premises in the parish; or
 - iii. had his or her principal place of work in the parish; or
 - iv. has lived within three miles (direct) of the parish.
- 3.2 There are certain disqualifications for election, of which the main are (see 5. 80 of the Local Government Act 1972):
- i. holding a paid office under the local authority i.e. North Petherton Town Council;
 - ii. bankruptcy;
 - iii. having been sentenced to a term of imprisonment (whether suspended or not) of not less than three months, without the option of a fine during the five years preceding the election; and
 - iv. being disqualified under any enactment relating to corrupt or illegal practices.
- 3.3 The application form will require candidates to declare that they meet the qualification criteria for holding office and are not disqualified for any reason.
- 3.4 Candidates found to be offering inducements of any kind will be disqualified.

Applications

- 4.1 Members may point out the vacancies and the process to any qualifying candidate(s).
- 4.2 Although there is no statutory requirement to do so, candidates will be requested to submit information about themselves, by way of completing a short application form and confirm their eligibility for the position of Councillor within the statutory rules.
- 4.3 Following receipt of applications, the next suitable full Town Council meeting will have an agenda item 'To receive written applications for the office of town councillor and to co-opt a candidate to fill the existing vacancy'. Copies of the candidates' applications will be circulated to all Councillors by the Town Clerk at least 3 clear days prior to the meeting of the full Council, when the co-option will be considered. All such documents will be treated by the Town Clerk and all Councillors as Strictly Private and Confidential.
- 4.4 Candidates will be sent an electronic copy by email of the full agenda of the meeting at which they are to be considered for appointment. Candidates will also be informed that they will be invited to speak about their application at the meeting.

At the Co-option Meeting

NOTE: Currently serving Councillors are reminded of the need to make an appropriate declaration of interest and take the relevant action if any of the co-option applicants are known to them.

- 5.1 Where there are co-options for more than one ward to be dealt with they will be taken on a ward by ward basis; the whole process for each ward, including voting, being completed before moving on to the next ward. Similarly if there is more than one seat within a ward to be dealt with each seat will be dealt with on an individual basis and concluded before.
- 5.2 The Mayor will address the meeting and outline the process that will be followed (as detailed below) and ask co-option applicants to wait outside the meeting room whilst other applicants speak.
- 5.3 Candidates will be given a maximum of five minutes to introduce themselves to Members, give information on their background and experience and explain why they wish to become a Member of North Petherton Town Council. The process will be carried out by adjourning the meeting to allow the candidate(s) to speak. The Mayor, or Councillor presiding at the meeting, will decide the order in which candidates will be invited to speak which will usually be in alphabetical order.
- 5.4 Councillors may ask questions of the candidates but must take care to ensure that all candidates are given the opportunity to provide the same information.
- 5.5 When all candidates have finished giving their submissions, the council will re-convene and may discuss the applications (without intervention from the candidates or members of the public). The Council will then proceed to the voting stage of the process.
- 5.6 Where the number of candidates equals or is less than the number of vacancies the following proposal will need to be made and seconded by a Councillor *“that there being XX vacancy and XX candidate(s), namely xxxxx yyyy in accordance with legislation and the Town Council’s policy the Council formally declares the casual vacancy filled by xxxxx yyyy*
- 5.7 Where the number of candidates exceeds the number of vacancies Councillors will proceed to a vote on the acceptability of each candidate utilising the ‘person specification’ criteria set out in Appendix A and the information provided by candidates.
- 5.8 To enter into the voting process a candidate must be proposed and seconded by a Councillor, any candidate who is not proposed and seconded will not proceed any further in the process.
- 5.9 At the start of the voting process the Chair will ask Councillors to propose and second any of the candidates, the voting will be between all of the candidates who have been duly proposed and seconded. If there are more than two candidates and

there is no candidate with an absolute majority in the first round of voting the candidate with the least number of votes will drop out of the process. Further rounds of voting will then take place with the process repeated until a candidate has an absolute majority.

- 5.10 Councillors have one vote in each round of the voting process except in the case of an equality of votes where the meeting Chair has a second, casting, vote.
- 5.11 In order for a candidate to be co-opted to North Petherton Town Council, it is necessary for them to obtain an absolute majority of votes available **(this is a legal requirement)**.
- 5.12 Every Councillor can choose to vote for one candidate or abstain from the vote. For the purposes of calculating the absolute majority, abstentions will not be included in the votes cast and will be counted separately. The absolute majority required by a candidate will therefore be 50% + one of the votes cast in their favour at the meeting.
- 5.13 Voting will be in public by a show of hands, or by a ballot if requested in accordance with Standing Order No 8.
- 5.14 If an absolute majority of votes is not attained by either of the final two candidates remaining in the voting process, the vacancy will remain unfilled.
- 5.15 After the vote has been concluded, the Chair will declare the successful candidate duly co-opted. They will be invited to sign their declaration of acceptance office and then take a place at the meeting table and contribute to the debate of any remaining agenda items however they will not have a vote as they were not summoned to attend the meeting.
- 5.16 The Clerk will notify Electoral Services of the new Councillor appointment. The successful candidate(s) must complete the 'registration of interests' within 28 days of being elected. The form should be handed to the Clerk for forwarding to the Monitoring Officer.
- 5.17 If insufficient candidates come forward for co-option or a vacancy remains unfilled after the voting process described at 5.3 – 5.4 has concluded, the co-option process should continue, whereby the vacancies are again advertised.

CO-OPTED COUNCILLOR PERSON SPECIFICATION

COMPETENCY	ESSENTIAL	DESIRABLE
Personal Attributes	<ul style="list-style-type: none"> • Sound knowledge and understanding of local affairs and the local community. • Forward thinking. 	<ul style="list-style-type: none"> • Can bring a new skill, expertise or key local knowledge to the council.
Experience, skills, knowledge and ability	<ul style="list-style-type: none"> • Ability to listen constructively. • A good team player. • Ability to pick up and run with a variety of projects and a solid interest in local matters. • Ability and willingness to represent the council and their community. • Good interpersonal skills and able to contribute opinions at meetings whilst willing to see others' views and accept majority decisions. • Ability and willingness to be open minded when reaching decisions • Ability and willingness to think of the needs of the whole town Council area • Ability to communicate succinctly and clearly. • Ability and willingness to work closely with other members and to maintain good working relationships with all members and staff. • Ability and willingness to work with the council's partners (e.g. voluntary groups, other parish councils, principal authorities and charities). • Ability and willingness to undertake induction training and other relevant training. 	<ul style="list-style-type: none"> • Experience of working with voluntary and/or local community or interest groups. • Basic knowledge of legal issues relating to town and parish councils or local authorities. • Experience of public speaking / delivering presentations • IT literate
Circumstances	<ul style="list-style-type: none"> • Ability and willingness to attend meetings of the Council and its Committees (or meetings of other local authorities and local bodies) at any time and events in the evening and at weekends. 	