



## Ulverston Town Council

### Co-Option Policy

#### 1. Introduction

1.1 This policy sets out the procedure to ensure there is compliance with legislation and continuity of procedures in the co-option of members to Ulverston Town Council.

1.2 The co-option procedure is entirely managed by the Town Council, and this policy will ensure that a fair and equitable process is carried out.

1.3 The co-option of a town councillor occurs in two instances:

- When an ordinary vacancy has arisen on a Parish/Town Council after the ordinary elections held every four years,
- When a casual vacancy has arisen on a Parish/Town Council and no poll (by-election) has been called.

#### 2 Ordinary vacancy

2.1 An ordinary vacancy occurs when there are insufficient candidates to fill all the seats on a Parish/Town Council at the ordinary elections held every four years. Any candidates who were nominated are automatically elected to the Parish/Town Council and any remaining vacancies are known as "ordinary vacancies". Provided there are enough parish councillors to constitute a quorum, the Parish/Town Council is usually able to co-opt a volunteer to fill the vacancies.

#### 3 Casual vacancy

3.1 A casual vacancy occurs when:

- A councillor fails to make his/her declaration of acceptance of office at the proper time,
- A councillor resigns,
- A councillor dies,
- A councillor becomes disqualified,
- **6 Month Rule:** A councillor **fails for six (6) months** to attend meetings of council or sub-committee and where the councillor **has not previously requested a formal dispensation** to cover the period of absence and that council has not therefore formally agreed to this. This is known as the 6-month rule and applies to all councillors on all council bodies.

**3.2 A Parish/Town Council has to notify Westmorland and Furness Council of a casual vacancy and then advertise the vacancy and give electors for the ward the opportunity to request an election. This occurs when ten (10) electors write to Westmorland and Furness Council stating that an election is requested.**

3.3 If a by-election is called, a polling station will be set up by Westmorland and Furness Council. And the people of the ward will be asked to go to the polls to vote for candidates who will have put themselves forward by way of a nomination paper.

- **Ulverston Town Council will pay the costs of the election.**
- The people of the ward have fourteen days (not including weekends, bank holidays and other notable days), to claim the by-election, but the Electoral Services Office of Westmorland and Furness will advise the Clerk of the closing date.

3.4 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.

3.5 If ten (10) residents **do not** request a ballot within fourteen (14) days of the vacancy notice being posted, as advised by the Electoral Services Office, the Town Council is able to co-opt a volunteer.

#### **4 Confirmation of Co-Option**

4.1 On receipt of written confirmation from the Electoral Services Office that no by-election has been claimed, the casual vacancy can be filled by means of co-option.

4.2 The Clerk will:

- Advertise the vacancy for four weeks or such other period as the Town Council may agree on the Town Council notice boards and website,
- Advise Westmorland and Furness Council that the co-option policy has been instigated.

4.3 This procedure will also apply in the case of an ordinary vacancy where the Electoral Services Office has confirmed that there were insufficient nominations to fill all the seats but there are sufficient town councillors elected to constitute a quorum.

#### **5 Eligibility of Candidates**

5.1 The Town Council can consider any person to fill a vacancy provided that:

- He/she is 18 or over,
- He/she is a British citizen, a qualifying Commonwealth citizen or a citizen of any other member state of the European Union.

and at least one of the following apply:

- He/she is an elector for the Parish and continues to be an elector,
- Or has resided in the Parish for the past 12 months or rented/tenanted land in the Parish,
- Or has had his/her principal or only place of work in the Parish for the past twelve months,
- Or has lived within three miles of the Parish for the past twelve months.

5.2 There are certain disqualifications for being a parish councillor, of which the main are (see s80 of the Local Government Act 1972):

- Holding a paid office or employment under the Parish Council,

- Bankruptcy,
- 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 preceding five years,
- Being disqualified under any enactment relating to corrupt or illegal electoral practices.

## **6 Applications**

6.1 Candidates will be requested to:

- Submit information about themselves, by way of completing a short application form,
- Confirm their eligibility for the position of parish councillor within the statutory rules.

6.2 Following receipt of applications, the next suitable Full 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'*.

6.3 Eligible candidates will be invited to attend the meeting.

6.4 Copies of the eligible candidates' applications will be circulated to all town councillors by the Clerk at least 3 clear days prior to the meeting of the Full Council, when the co-option will be considered.

6.5 All such documents will be treated by the Clerk and all town councillors as strictly private and confidential.

## **7 Co-Option**

7.1 At the Full Council meeting, candidates will be given five minutes maximum to introduce themselves to the town councillors (members), give information on their background and experience and explain why they wish to become a member of the Town Council.

The process will be carried out in the public session and there will be no private discussions between members prior to a vote being taken.

However, where the Town Council is discussing the merits of candidates and inevitably their personal attributes, this could be prejudicial, and the Town Council should resolve to exclude the members of the press and public in a part 2 motion.

7.2 Following the candidate presentations/addresses, members will proceed to a vote in the form of an anonymous ballot.

7.3 In order for a candidate to be co-opted to the Town Council, it will be necessary for them to obtain an absolute majority of votes cast (50% + 1 of the votes available at the meeting). If there are more than two candidates and there is no candidate with an overall majority in the first round of voting the candidate with the least number of votes will drop out of the process.

7.4 Further rounds of voting will then take place with the process repeated until a candidate has an absolute majority. In the event of a tied ballot, the Mayor has the casting vote.

7.5 The ballot(s) will be counted by the Town Clerk, (or other duly appropriate officer if they are unavailable).

7.6 If present, a candidate who is co-opted will sign a Declaration of Acceptance of Office, including an undertaking to abide by the Town Council's Code of Conduct, and may take office thereafter. If not

present, a co-opted candidate will sign the Declaration of Acceptance of Office either before or at the next meeting of the Town Council.

7.7 The Clerk will notify Westmorland and Furness Electoral Services Office of the co-option of the new town councillor.

7.8 The co-opted town councillor will complete a Register of Interests form.

7.9 If insufficient candidates are co-opted, the process should continue, whereby the vacancies are again advertised.

### **Annex 1: Co-opted Councillor Person Specification**

This list suggests desirable skills for candidates of the casual vacancy.

- Sound knowledge and understanding of local affairs and the local community.
- Forward thinking.
- Can bring a new skill, expertise, or key local knowledge to the Council.
- Experience, Skills, Knowledge, and Ability
- Ability to listen constructively.
- A good team player.
- Ability to pick up and run with a variety of projects.
- 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 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 authority, charities)
- Ability and willingness to undertake induction training and other relevant training.
- Experience of working or being a member in a local authority or other public body
- Experience of working with voluntary and or local community / interest groups
- Basic knowledge of legal issues relating to town and parish Councils or local authorities
- Ability and willingness to attend meetings of the Council (or meetings of other local authorities and local bodies) at any time and events in the evening and at weekends.

### **Annex 2: Casual Vacancy Process**

- The council encourages applications from anyone in the town who is eligible to stand.
- Councillors or parishioners can approach individuals to suggest that they might wish to consider putting their names forward for co-option.
- Co-option vacancies will be advertised on the website and on the noticeboard. The advertisement for the co-option will include:
  - *Method by which applications can be made, this will be in writing to the Clerk*
  - *The closing date for applications*
  - *Contact point for potential candidates to obtain more information – the Clerk*
  - *Advice that furthers information is available on request*

- *A form to complete which includes asking the candidate why they would like to be a councillor; name; address and other contact details. When applications are received, the Clerk will confirm eligibility.*

#### **Voting to Co-opt a Councillor**

- In the event of a candidate being unable to attend the meeting, their application will still be considered by members. In the event of a candidate being related to a councillor, then the councillor would be expected to declare an interest and request a dispensation to speak and vote.
- Voting will be by ballot. The Clerk will collect the ballots, record the voting numbers on the ballot record sheet (for each round of voting). The decision must be made by a majority of members who are present and voting. Where there are more than two candidates for the 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. If there is more than one vacancy then each vacancy must be filled by a separate vote or series of votes.
- The Mayor (or person presiding over the meeting) may vote, and if there is an equality of votes they may exercise their casting vote. The council's debate and vote on the co-option must be conducted in the public section of its meeting. It follows that the candidates, as members of the public, will be entitled to be present during the proceedings.
- The successful candidate(s) are asked to start as a councillor immediately after completing their declarations of acceptance of office. The new member should have received an agenda however the fact that they have not received a summons does not make their attendance as a councillor illegal. (Local Government Act 1972 Sch 12, para 10(3)). Where appropriate they will also be appointed to any council committee. If an absent candidate is successful, members must agree to the signing the declaration of acceptance of office before or at the very start of the next meeting. New councillors will also be made aware of the fact that Interests Forms will need to be completed within 28 days of co-option.

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