



## **Blackwater & Hawley Town Council**

# **CO-OPTION POLICY**

Adopted by the Town Council on 8th April 2024

## **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 10 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 may choose whether or not it wishes 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 would 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, in order 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 have notified Hart District Council's Returning Officer of the vacancy arising. Hart District Council being the local electoral authority, legally responsible for delivering electoral services.
- 2.2 The District Council 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, website, social media pages and by email to all councillors, staff and public mailing list subscribers.
- 2.3 A legal timeframe of 14 days is assigned, from the date of the notice, for 10 or more electors in the relevant town ward with the vacancy to contact the District's Council's 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 10 or more electors, the District Council 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, the District Council's Returning Officer 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 there is less than six months until the next ordinary election, a report will be presented to Full Council as soon as practicably possible to enable Full Council to decide whether it wishes to co-opt to fill the vacancy.
- 2.8 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 Local councils can only be as connected and helpful as the people elected to run them, so they require councillors capable, enthusiastic and engaged to reflect their communities. As such, making co-options is an opportunity for a local council to address shortfalls and imbalances in their membership.
- 3.2 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.
- 3.3 On receipt of written notice from Hart District Council (the local electoral authority) that a casual vacancy may be filled by means of co-option (see section 2 above):
  - The Town Clerk will share the advertisement of the vacancy to be filled by co-option with all Councillors for commenting on, before ensuring this is advertised within 21 days of receipt of the written notification.
  - The co-option advertisement will include the closing date for requests for consideration (between 14 and 30 days after the date of the advertisement) and the number of vacancies, and will be shared on the Town Council's website, social media platforms, noticeboards and other relevant communication methods.

- 3.4 A co-option provides an opportunity for the Town Council to assess any skills gaps from within its members and advertise for applicants with the desirable skills to apply. Not holding the identified skills should not however be reason alone for not considering an applicant and the Town Council will need to be mindful of this throughout the process.
- 3.5 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 The Town Council will make available on its website (or in hard copy to those that request it) information about the role of Town Councillor, an overview of the Town Council and other relevant guidance which will support potential candidates in deciding whether or not they may wish to apply.
- 4.2 Applicants for a vacancy will be asked to:
- Submit information about themselves by completing a Councillor Casual Vacancy 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.
  - 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.

#### **5 DECISION MAKING PROCESS**

- 5.1 Copies of all applications will be circulated 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.
- 5.2 All eligible candidates will be invited to attend the Full Council meeting at which co-options will be considered. The co-option agenda item will be carried out by Full Council in public session.
- 5.3 If candidates are unable to attend this meeting, their application will still be considered in their absence (unless it is withdrawn).
- 5.4 No alternative date or time for a meeting will be arranged.
- 5.5 The co-option process will be determined in a public session of the Town Council and a specific agenda item will be set aside for applicants to make a brief, verbal presentation to the Town Council in support of their application.
- 5.6 A maximum of five minutes will be allowed per candidate.
- 5.7 Councillors may ask questions of the candidates following their presentations.

- 5.8 Following the conclusion of all presentations, there will be no discussion of the presentations and Full Council will proceed to voting.
- 5.9 The initial vote will be to decide whether to proceed with co-option – this vote will be taken by show of hands.
- 5.10 Should Full Council resolve that there are suitable candidates and to proceed, Councillors will vote for individual candidates by show of hands, alphabetically by surname. Councillors will have one vote per vacancy to be filled.
- 5.11 In the event of there being only one candidate, a vote will still need to be taken.
- 5.12 Councillors are still 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 and would need to request a dispensation in order to speak or vote (Standing Order 13 sets out the process for requesting a dispensation, which would ideally be requested ahead of the meeting). 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.
- 5.13 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 7 councillors voting, the majority would be 4 votes for.
- 5.14 If there are more than two candidates for one vacancy and not one of them at the first count receives a majority over the total votes given to the rest, the Chair will strike off the candidate with the least number of votes and the remainder must then be put to the vote again until an absolute majority is achieved.
- 5.15 In accordance with Standing Orders, the Chair may exercise their right to use a casting vote in the case of a tied vote.
- 5.16 If there is more than one vacancy and the number of candidates equals the number of vacancies, all the vacancies may be filled by a single composite resolution, but if the number of candidates exceeds the number of vacancies each vacancy must be filled by a separate vote or series of votes.
- 5.17 The Council is not obliged to fill all or any vacancies. If this is the case, steps will be taken to advertise for further co-options, subject to the timescales at 1.3 above.

## **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 - the Town Clerk will then forward a copy to the District Council's Monitoring Officer.
- 6.4 Any newly co-opted members will be provided with a welcome pack and invited to attend an induction and training session with the Town Clerk and/or other officers. This should take place, where possible, before the next Full Council meeting.

APPENDIX A – Co-option Application Form

APPENDIX B – Councillor Vacancy Notice