



North Walsham Town Council

Co-Option Procedure

1 General

- 1.1 This document sets out the procedures for the co-option of Councillors in both election and non-election years to fill vacancies on the Council, to ensure that the process is fair and transparent.
- 1.2 Vacancies may arise
 - following an election, where there are more seats on the Council than candidates, or
 - between elections, when any vacancies arising are known as **casual** vacancies.
- 1.3 The co-option procedures for such vacancies are the same.
- 1.4 The Council is under no obligation, immediately following an election, to consider for co-option any unsuccessful candidates at that election.

2 Casual vacancies

- 2.1 Section 87 of the Local Government Act 1972 (“the 1972 Act”) states that a casual vacancy arises 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, or
 - A Councillor fails for six months to attend meetings of the Council, or Council Committee or Sub-Committee, or to attend as a representative of the Council a meeting of an outside body.
- 2.2 When one of the above situations arises, the Council must notify the Returning Officer at North Norfolk District Council that a casual vacancy has arisen in the town (and whether it is in the East, West or North Ward). The Returning Officer then issues a formal Notice of Casual Vacancy to be displayed publicly. This Notice gives electors in the town a statutory fourteen days in which to claim an election to fill the vacancy.
- 2.3 A claim for an election must be submitted in writing to the Returning Officer before the deadline stated on the Notice, and must be signed by at least ten electors. If such a claim is received, a by-election will be arranged to fill the vacancy. If no claim is received by the Returning Officer, the Council will be informed that it may proceed to co-opt a new member to fill the vacancy.

- 2.4 The Town Clerk will then post a notice that the Council is seeking to co-opt in accordance with a timetable agreed by the Council.

3 Eligibility for co-option

- 3.1 The rules on eligibility are the same as those for candidates seeking election.
- 3.2 The Council may consider any person to fill a casual vacancy provided that he/she
- Is over 18 years of age,
 - Is a UK, EU or Commonwealth citizen, or
 - Is registered to vote on North Walsham or has lived or worked on North Walsham (or within three miles of its boundary) for one year.
- 3.3 A person is disqualified from being a Town Councillor if, within five years before his/her election or since election, he/she
- Has served a prison sentence (including suspended sentences) of three months or more within the last five years,
 - Has been adjudged a bankrupt,
 - Is an employee of the Council, or
 - Is disqualified under legislation.
- 3.4 Further information on eligibility can be found at the North Norfolk District Council website <http://www.north-norfolk.gov.uk/council/697.asp>

4 Applying for co-option to the Council

- 4.1 Once the Returning Officer has cleared the Council to co-opt a new Member to fill a casual vacancy, the Clerk will post a notice on public noticeboards and available outlets seeking expressions of interest in co-option.
- 4.2 The notice of co-option will include details of
- How to apply
 - The closing date for applications
 - A contact point for obtaining further information about the process or about the role of Councillor.

- 4.3 Applicants will be asked to submit information about themselves, including completion of a short application form (to confirm personal details and eligibility, sample at Annex 1) and a personal statement of not more than 300 words (to set out why they wish to become a Councillor and what they might bring to the Council).
- 4.4 The co-option notice will give prospective co-optees 21 working days in which to submit application packs.
- 4.5 Existing Members are permitted to point out the vacancies and discuss the process of co-option with any qualifying candidates.
- 4.6 Any candidate(s) found to be offering inducements of any kind will be disqualified from the process.
- 4.7 The eligibility of the candidate(s) shall be confirmed by the Town Clerk.

5 Assessing the applications

- 5.1 Applications for co-option to the Council will be considered initially at a meeting of the Personnel & Grants Committee. This will be by interview conducted by the Committee with a report then going to the next meeting of the Council where the applications will be considered in open session.
- 5.2 All eligible candidates shall be invited, in writing, to attend the meeting. This meeting will not be rearranged to accommodate candidates who are unable to attend.
- 5.3 Copies of all application forms received will be sent to all Members for consideration. Members shall note that application documents are strictly confidential.
- 5.4 An agenda item shall be set aside during the public session of the Council meeting at which co-option is to be decided to allow candidates to make a brief verbal statement. Each candidate will be allocated a maximum of three minutes.
- 5.5 Following any presentations, Members may put questions to the candidates before proceeding to vote. If a candidate is unable to attend the meeting, this process will still take place and voting will subsequently be on the basis of both the meeting **and** the application form.
- 5.6 The Town Mayor shall then place the names of candidates in alphabetical order and proceed to vote.

6 Voting process

- 6.1 The Council will appoint co-opted Members by voting in accordance with Standing Order 8, **Voting on appointments**.
- 6.2 Only Councillors present at the meeting may vote upon a person to fill the vacancy. Councillors shall have one vote per vacancy to be filled.
- 6.3 Voting on appointments will be in accordance with statutory requirements, in that a successful candidate **must** receive an absolute majority vote of those present and voting (ie 50% + 1) in order to be co-opted onto the Council.
- 6.4 If there are more than two candidates for one vacancy, and no one candidate receives an absolute majority in the first vote, the candidate with the least number of votes shall be removed from consideration and the remainder put to the vote again. The process must be repeated until an absolute majority is gained, in accordance with Council Standing Order 8.
- 6.5 Councillors shall vote by secret ballot.
- 6.6 In each round of voting, Councillors shall be provided with ballot papers and have one vote each, except in the case of tied vote in which the Town Mayor would have a casting vote. Ballot papers shall be collected by the Town Clerk, who will then count and record the votes on the Verification and Count Sheet (sample at Annex 2).
- 6.7 Should a candidate be a relative of a Councillor, that Councillor should declare a prejudicial interest and withdraw from the meeting.

7 Following the vote

- 7.1 The outcome of the vote shall be recorded by the Town Clerk in the minutes of the meeting as a resolution to co-opt (name of co-optee) as Members of the Council.
- 7.2 The Council is not obliged to fill all vacancies, but shall be open in its reasons for not doing so should this situation arise. If vacancies remain after co-option, the Council must take steps to re-advertise for co-optees or to hold an election to fill those vacancies.
- 7.3 Successful candidates become Councillors in their own right, with immediate effect, and are no different to any elected Councillor.
- 7.4 Co-opted Members will be asked to sign a Declaration of Acceptance of Office, by which they agree to be bound by the Council's Code of Conduct. The form will be passed to them by the Town Clerk once the result of the vote has been announced. Once the form has been completed and returned to the Town Clerk, the new Members may formally take their seat on the Council.
- 7.5 Members are reminded that failure to return a Declaration of Acceptance of Office appears in the list of disqualifications, and therefore Councillors may not take their seat until this has been done. Note: an application for co-option can be considered in the candidate's absence. However, if such an application is successful, Members must agree that the Declaration of Acceptance of Office may be signed either before or at the next meeting.

- 7.6 Co-opted Members must also complete the Register of Members' Interests form and return this to the Town Clerk as soon as possible. This form must be returned to the Returning Officer with 28 days of the co-option.
- 7.7 As soon as practicable following co-option, new Members will be invited to attend an induction/training session organised by the Town Clerk.