Great Aycliffe Town Council

CO-OPTION POLICY AND PROCEDURE

Author of Policy:	A Bailey / D.Austin
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Revision Dates:	

CO-OPTION POLICY AND PROCEDURE

1.0 INTRODUCTION

1.1 Co-option provides the means for local authorities to address shortfalls or in the numbers of councillors. There are two ways that co-options can occur:

- There have been insufficient candidates to fill all the available seats at an election.
- A casual vacancy has arisen between elections, and there is no demand to hold a by-election.

1.2 This policy sets out the procedure to ensure there is compliance with legislation and consistency of process in the co-option of members to the Town Council.

1.3 The co-option process is administered by the Town Council and this policy will assist officers and members in understanding the process and will ensure a fair and equitable process is carried out.

1.4 Should the need for co-option arise, the Town Council will seek and encourage applications from anyone in the parish who is eligible to stand as a Town Councillor. Councillors or parishioners can legally approach individuals to suggest that they may wish to consider putting their names forward for co-option to the Town Council.

1.5 The Town Council will advertise the vacancies in the local area via the Town Council website, noticeboards and the local press.

1.6 The advertisement for co-option will include:

- The method by which applications may be made.
- The closing date for all applications.
- A contact to obtain further information.
- Reference to any further information that is available in paper form, electronically or via the Council's website.

2.0 CO-OPTION IN THE EVENT OF A CASUAL VACANCY

2.1 This section of the policy sets out the procedure for the co-option of a Town Councillor which occurs when a casual vacancy has arisen on the Council and no poll (by-election) has been called.

Casual Vacancy

2.2 A casual vacancy occurs when:

- A councillor fails to make their declaration of acceptance of office within the proper time.
- A councillor resigns and notice of resignation is received in accordance with the statutory requirements.
- A councillor dies; the casual vacancy being on the day of their death.
- A councillor becomes disqualified.

- In the case of an election being declared void, upon the date of the report or certificate of the election count.
- A person ceases to be qualified to be a councillor for a reason not mentioned above.
- A councillor fails for six months to attend meetings of the Council, a committee or sub-committee, or to attend as a representative of the Council at a meeting of an outside body.

2.3 The Town Council must notify Durham County Council's Electoral Services of a casual vacancy who will then declare the vacancy by giving public notice and giving electors the opportunity to request an election.

2.4 This occurs when ten electors write to Durham County Council Electoral Services, stating that an election is requested to fill the vacancy. In this case a by-election must be held, except where the vacancy occurs within six months before the date the councillor in question would have regularly retired i.e. four days after the next ordinary election).

2.5 If a by-election is called, a polling station will be organised by Durham County Council, with residents of the ward then having the opportunity to vote for candidates who have put themselves forward by way of a nomination paper.

2.6 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 election.

2.7 If ten residents do not request a ballot within fourteen days of the vacancy notice being posted, as advised by Durham County Council, the Town Council is able to co-opt.

2.8 On receipt of written confirmation from DCC Electoral Services, the casual vacancy can be filled by means of co-option, as soon as practicable after the expiry of the fourteen-day period.

2.9 In this case the Town Clerk will:

- Advertise the vacancy for four weeks on the Council notice boards and website. A copy of the notice will be sent to the local press.
- Advise the Council that the Co-Option Procedure has been instigated.

Eligibility of Candidates

2.10 The Town Council can consider any person to fill the casual vacancy, provided that:

- He/she is an elector for the parish, or
- Has resided in the parish for the past twelve months or rented/tenanted land in the parish, or
- Had his/her principal place of work in the parish, or
- Has lived within three miles (direct) of the parish.

2.11 There are certain disqualifications for election, of which the main are (Local Government Act 1972):

- Being employed by or holding a paid office under the local authority.
- Being subject to bankruptcy restrictions or interim orders.
- Having been sentenced to a term of imprisonment (whether suspended or not) of three months or more, without the option of a fine during the five years preceding the election.
- Being disqualified under the Representation of the People Act 1983 relating to corrupt or illegal practices.
- Being subject to the notification requirement under Part 2 of the Sexual Offences Act 2003.
- Having been convicted of an intimidatory criminal offence motivated by hostility towards a candidate, future candidate or holder of a relevant elective office.

2.12 Eligibility of the candidate(s) will be confirmed by the Town Clerk.

2.13 Co-opted members are <u>not</u> eligible to receipt of the Parish Basic Allowance.

2.14 Co-opted members <u>are</u> eligible for payments made under the Parish Travelling and Subsistence Allowance.

3.0 CO-OPTION DUE TO INSUFFICIENCY OF CANDIDATES AT AN ORDINARY ELECTION

3.1 Insufficiency of candidates at an ordinary election also provides the Town Council with authority to exercise its rights to co-opt any person or persons to fill any vacancies within a 35-day period following the date of the ordinary election.

3.2 If the power of co-option is not exercised within 35 working days the principal authority (Durham County Council) may then exercise its powers to hold a further election or to take appropriate action to fill the vacancies. This would potentially incur the cost of a by-election, if contested.

3.3 Before exercising the power of co-option, the Council does not have to give public notice of the vacancy or vacancies, although it may do so if it wishes. However, in reality, the giving of public notice is a sensible way of attracting possible candidates for co-option.

CO-OPTION PROCEDURE

Pre-Co-Option Meeting

1. The vacancy will be advertised for four weeks on Council notice boards, website and a copy of the notice will be sent to the local newspaper.

2. Candidates will be required to confirm that they are eligible to be a councillor by completing an 'Application for Co-Option'.

3. To assist candidates and ensure consistency between applications, the application form provides guidance on areas they may wish to include in their application forms.

4. Following receipt of applications, the next suitable Council Meeting will have an Agenda Item; *Co-Option* - '*To receive written applications for the office of Town Councillor, and to co-opt a candidate to fill the existing vacancy'*.

5. Copies of the candidates' application forms will be circulated to all councillors by the Town Clerk at least three clear days before the meeting of the Council when the co-option will be considered.

6. Section 2 of the application form will form part of a public agenda for the Council meeting (candidates' submissions).

At the Co-option Meeting

1. At the meeting, on the Co-Option Agenda Item, candidates will be given five minutes to introduce themselves to members, give information on their background and experience, and explain why they wish to become a member of the Council.

2. After these presentations, there will be an opportunity for members to ask candidates questions, before proceeding to the vote. If a candidate is unable to attend the meeting, this process will still take place and voting will subsequently be based on this meeting *and* the application forms.

3. 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*

   *NALC Guidance – Legal Briefing 'Elections and Co-option' Extract LTN8, June 2020 Paragraph 28:

   'Decisions made by a local council about whether or not to co-opt when vacancies remain unfilled after an ordinary election and who to co-opt when any casual vacancy arises should be transparent. In NALC's view it would be difficult for a local council to argue that there are special reasons which justify excluding the public during a council meeting when it is making decisions about a matter of public interest, such as co-option. Decisions about co-option which are made at council meetings when the public have been excluded will not eliminate the need for a council to explain, for example to unsuccessful candidates, the reasons for its decisions'.

4. If a candidate is a relative of a councillor, that councillor may speak and vote for the candidate as co-opted councillors cannot receive a Parish Basic Allowance.

5. The Council will proceed to a vote, with each candidate being proposed and seconded by a councillor in attendance (as defined in Standing Orders) and a vote by show of hands (LGA 1972, Sch 12, Para 39). A recorded vote may be requested under Standing Order 1 (s) to show whether each councillor present and voting gave his/her vote for or against a candidate (or abstained).

6. Councillors present at the meeting may vote upon a person to fill the vacancy. Councillors will have one vote per vacancy to be filled. The Chairman has the casting vote in the event of a tied vote.

7. Where more than two persons have been nominated and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes will drop out of the process and a fresh vote will be taken. This process shall continue until a majority of votes is given in favour of one person.

8. In order for a candidate to be elected to the Council, it will be necessary for them to obtain an absolute majority of votes (50% + 1 of the votes available at the meeting).

   For example, there are three candidates for one position. Candidate A receives ten votes, and Candidates B and C each receive five votes. Candidate A is not elected because he has the same number of votes as B and C put together and does not have a majority over their combined votes. This is why where there are two or more candidates, it is desirable to eliminate the candidate with the least number of votes, so that the final vote is between two candidates only. In the above case, the Chairman would exercise his casting vote to determine which of Candidates B and C proceed to the final vote (as they were tied on 5 votes each).

9. The successful candidate is then declared co-opted to the Town Council and will be asked to join the meeting.

Application for Co-Option to the Town Council

General Data Protection Regulation

The information on this form will be held and used for administrative purposes to process an application for co-option. Under the provisions of GDPR, your personal data will be treated in a secure and confidential manner and will not be kept for longer than necessary. By signing this form you are giving us permission to hold and use this data. We may be required to share this information with outside bodies in the event of legal requirements. If you have any questions about the personal information we hold about you, or wish to exercise your relevant rights under the GDPR, please contact The Data Controller, at the Council Offices, School Aycliffe Lane, Newton Aycliffe, DL5 6QF, or by email at info@great-aycliffe.gov.uk. You can view our full privacy notice at www.great-aycliffe.gov.uk/council-democracy/data-protection

Section 1 of this form will solely be used for administration purposes at the Town Council and distribution to councillors.

Section 2 will form part of a public agenda for the Town Council meeting.

Section 1

Contact Information					
Title		Full Name			
Address					
Tel		Mobile			
E-mail					
DOB					
Qualification for Co-option				**Yes**	**No**
Do you confirm that you are at least 18 years of age and either a British Citizen or an eligible Commonwealth Citizen?					
Please confirm which of the following apply (tick all that apply)					
You are a local government elector for Great Aycliffe					
You have occupied as owner/tenant land or other premises within Great Aycliffe during the whole of the past 12 months					
Your main or only place of work during the past 12 months has been in Great Aycliffe					
You have lived in Great Aycliffe, or within three miles of it, during the whole of the past 12 months					
Please confirm if any of the following apply (tick all that apply)					
You are employed by or hold a paid office at the Town Council					
You are subject of a bankruptcy restrictions order or interim order					
You have been sentenced to a term of imprisonment of three months or more (including suspended sentences) without the option of a fine, during the previous five years					
You have been disqualified under the Representation of the People Act 1983 for corrupt or illegal election practices within the previous five years					
You have been subject to the notification requirement under Part 2 of the Sexual Offences Act 2003.					
You have been disqualified from standing for election following a decision of the First-Tier Tribunal (having been convicted of an intimidatory criminal offence motivated by hostility towards a candidate, future candidate or holder of a relevant elective office.					
Declaration					
I confirm that the details on this form are correct **Signed……..Date…….**					

Section 2

Name……

What are your main areas of interest, which are relevant to the Town Council?
Please set out what skills, experience or knowledge you feel you will bring to the Town Council?
What would you like to achieve as a Councillor?

Why do you want to serve as a councillor for the …… Ward?
Please set out any further information you feel supports your application to be a Councillor, for example your career or current job, involvement with community Organisations etc?
Are you putting yourself forward for co-option as a member of a political party? If so, please specify which party?

Upon completion, please submit this application form to the Town Clerk at the following address:

Great Aycliffe Town Council, School Aycliffe Lane, Newton Aycliffe, DL5 6QF