



## **NEWTON ABBOT TOWN COUNCIL CO-OPTION POLICY**

Agreed by Council on 7<sup>th</sup> June 2023

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.

There are two different situations when a vacancy arises leading to a co-option, a casual vacancy which can arise under a number of circumstances, and unfilled seats following ordinary elections. See the **Appendix** published by DALC for details.

Of paramount importance is that all applicants are treated alike so that arrangements are seen as open, fair and transparent. This policy sets out the process to be followed by Newton Abbot Town Council when co-option is under consideration.

To ensure that a fair and transparent process is undertaken the following procedure will be followed by Newton Abbot Town Council:-

### **A. CASUAL VACANCY:**

1. On receipt of written confirmation from the Electoral Services Office at Teignbridge District Council that the requisite 10 electors of the Parish have not called for a poll (by-election) within the legally specified time period (currently 14 days) following the publication of the Notice of Vacancy, the Town Clerk is notified by TDC that the vacancy(ies) may be filled by co-option. The Town Council may then decide if they wish to proceed to co-opt within 28 days or wait for a period of up to 6 months before proceeding. If the casual vacancy can be filled by means of Co-option, the Town Clerk will:
  - a. advertise the vacancy for 4 weeks on the Council notice boards and website, and if considered necessary place an advert in the local press.
  - b. advise the Council that the Co-option Policy has been instigated, by sending an e-mail to all Councillors.
2. Applicants for co-option will be asked to:
  - a. submit information about themselves, by way of completing a short application form.
  - b. confirm their eligibility for the position of Councillor within the statutory rules, by completing an Eligibility Form

3. Copies of the applicant's application form will be circulated to all Councillors by the Clerk prior to the meeting of the full Council when the Co-option will be considered. It is preferred that this will be at a meeting called for the purpose of co-option only, not during the usual business of a Council meeting. Once the business has been conducted, the newly appointed Councillor, if present, will be invited to complete the Declaration of Acceptance of Office following which the induction process will commence. If not present, contact will be made subsequently.

4. Canvassing councillors or the members of a committee or sub-committee, directly or indirectly, for appointment to or by the Council shall disqualify the candidate from appointment.

#### **B. UNFILLED SEATS FOLLOWING AN ORDINARY ELECTION**

5. Within 35 working days of the date of the ordinary elections, the Council will fill (or have commenced the process) the vacancy(ies) by way of co-option. The process being as set out from 1. (a) above.

#### **C. CO-OPTION PROCESS**

6. Applicants will be permitted to attend the meeting of the Council as members of the public when the Co-option will be considered.

7. Discussion about the applications will take place in Council session without intervention from the candidates or public. However, if it is necessary for the Council to discuss the merits of candidates and inevitably their personal attributes, this could be considered prejudicial, and if so, the Council could resolve to exclude the members of the press and public.

#### **COUNCILLORS CONFLICT OF INTEREST**

8. Declarations of interest must be made by Town Councillors as each candidate is considered, (e.g.: family ties, friendships, business relationships etc). This does not prevent Councillors from voting, but a Councillor may exempt themselves from the process if there is considered a serious conflict of interest.

9. Where a Councillor feels they have a serious conflict of interest, they must declare this interest and request to be exempt from the co-option process. The Councillor will be invited to leave the room at the commencement of the co-option process, and re-join the meeting once all voting has been completed and decisions made.

#### **VOTING**

10. Voting must take place in a public meeting, if the press and public were excluded previously, they should now be allowed back into the meeting.

11. Only Councillors present at the meeting may vote.

12. Voting will be according to the statutory requirements, in that, each successful candidate must have received an absolute majority vote of those present and voting (50% + 1 of the votes available at the meeting).
13. Even if there are fewer candidates than vacancies, each candidate must receive an absolute majority vote of those members present at the meeting, no majority, no co-option. There is no “co-opted uncontested” provision within the law.
14. Where there is the same number of candidates as vacancies, each candidate must still receive an absolute majority vote of those members present at the meeting, no majority, no co-option.
15. If there are more candidates (with a majority vote) than vacancies, then the voting process will take place again to determine the successful candidate.
16. If there are exactly as many as, or fewer candidates than vacancies, the Parish Council may vote on a composite motion, duly proposed and seconded, that all candidates be co-opted.
17. If there are more candidates than vacancies, it will be necessary for existing Councillors present at the meeting to vote.
18. The vote will take place as per Standing Orders for Voting on Appointments:
  - a. Where more than two persons have been nominated for a position to be filled by the Council 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 shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. A tie in votes may be settled by the casting vote exercisable by the chairman of the meeting.
  - b. Voting will take place via a paper ballot if so requested in accordance with S.O. No. 5.
19. If at the end of voting, there is a vacancy where no candidate has received a majority vote, then the vacancy may remain unfilled. The Council will then reconsider at the next suitable Council Meeting what steps they wish to take to continue with the co-option process.
20. After the vote has been concluded, the Chairman will declare the successful candidate/s duly elected.

**DECLARATION OF ACCEPTANCE OF OFFICE:**

21. Those co-opted must sign a declaration of acceptance of office before they join any meeting of the Council as a member.

**TERM OF OFFICE:**

22. A person elected or co-opted to fill a casual vacancy holds office until the person resigns or at the next ordinary elections.

**NOTIFICATION OF CO-OPTION:**

23. The Clerk will notify Democratic & Electoral Services Team at Teignbridge District Council of the new member(s) appointment and the new member(s) must complete a Declaration of Disclosable Pecuniary Interest within 28 days of being co-opted. Which must be sent to Democratic & Electoral Services Team at Teignbridge District Council for formal confirmation.

## Co-option – filling vacancies after an election

In an ordinary election, it is not uncommon for some councils to receive an insufficient number of candidates to fill its seats. Co-option provides a way for councils to fill their vacancies.

### What is co-option?

Co-option is a process by which a vacant seat on a parish or town council is filled by appointment rather than an election. It is often necessary to ensure a council is fully constituted and able to carry out its duties.

Vacancies can arise for various reasons such as insufficient candidates at an election, resignations and disqualifications. Vacancies which occur due to a councillor's departure mid-term are called casual vacancies.

### Co-option due to insufficient candidates at election

If following an election the council has less members than seats available, but remains quorate\*, co-options may be required to fill the vacant seats.

*\*A council's quorum is the minimum number of seats a council must have filled in order to carry out its business. This is three, or a third of the total number of seats, whichever is greater (the figure is rounded up where applicable).*

**Is your council inquorate?** If your council is inquorate then you cannot co-opt and we would suggest you contact DALC for guidance.

### What is the difference between a post election vacancy and a casual vacancy?

	<b>Post-election vacancy</b>	<b>Casual vacancy</b>
<b>What is it?</b>	Vacancies immediately following an election due to an insufficient number of candidates nominated.	Vacancies following the departure of a councillor mid-term due to resignation or other reasons, as stated in the Local Government Act 1972 s87.
<b>Do we need to post a notice of the vacancy?</b>	No, the council does not need to post a notice of the	Councils must contact the district council in the event

	vacancy. However we'd still recommend advertising to attract potential candidates (more below).	of a casual vacancy. The council must give notice of the vacancy, displayed in a prominent place in the parish for at least 14 days (excluding bank holidays etc), allowing electors to request a by-election*. If no by-election is requested, the district council will confirm the council may co-opt, at which point you may want to advertise for potential candidates.  <i>*by-elections will not be called when a vacancy occurs within six months of an ordinary election.</i>
<b>When do we need to fill the seats?</b>	The council has 35 working days to co-opt from the date of the election. If they do not fill the vacancies within the timeframe, the district council <u>may</u> take action to fill the seats.	There is no statutory deadline, but councils are encouraged to fill its seats as soon as practically possible; the community deserves full representation.
<b>What process should we follow?</b>	If you have an established co-option process, whether that's a written procedure or just precedent, we would advise councils to follow a consistent process for both vacancy types.	
<b>Who is eligible to stand?</b>	Anyone wishing to join the council via co-option must be eligible under <a href="#">s.79 of the Local Government Act 1972</a> and not disqualified under <a href="#">s.80 of the Local Government Act 1972</a> . These <a href="#">resources from the Electoral Commission</a> may be helpful.	