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Co-option Policy

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. There are no statutory rules regarding filling a vacancy by co-option.

1. Introduction

1.1. There are two circumstances under which the Electoral Officer of Newcastle-under-Lyme Borough Council will notify Kidsgrove Town Council that it should proceed to fill a vacancy by co-option:

- a) **Insufficiency of candidates at an ordinary election** – This happens when a ward seat has been left vacant because no eligible candidate stood for election at the ordinary elections for a new Council (usually at four-yearly intervals). In this instance the Town Clerk would be notified of the vacancies by Newcastle-under-Lyme Borough Council and that efforts must be made to fill the vacancies by co-option.
- b) **Casual Vacancy** – A casual vacancy occurs when:
 - A councillor fails to make his declaration of acceptance of office at the proper time
 - A councillor resigns
 - A councillor dies
 - A councillor becomes disqualified
 - A councillor fails for six (6) months to attend meetings of a council committee or subcommittee or to attend as a representative of the Council a meeting of an outside body or

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- The Councillor ceases to be qualified or becomes disqualified for any other reason.¹
- c) Upon a casual vacancy arising, the Town Clerk will, within reasonable time, notify the Electoral Officer at Newcastle Borough Council and the required notice will be displayed to allow opportunity for electors of the applicable ward to call for an election.
 - d) If the required 10 electors of the ward have not called for a poll (by-election) within the legally specified time period (currently 14 working days) following publication of the Notice of Vacancy, the Town Clerk is notified by Newcastle Borough Council and that the vacancy(s) can be filled by co-option.
 - e) The Town Council must take action, within a reasonable and practical time, to initiate a co-option procedure unless the vacancy has less than six months to run, in which case it may choose not to.²

2. Process to be followed when co-opting

2.1. Advertising the Vacancy and Application Process

- a) Upon receiving notification that the vacancy/vacancies can be filled by co-option, the Clerk will notify the Council such that a start date for advertising the vacancies can be agreed. The date agreed should be as soon as practically possible.
- b) A notice will be prepared that the Council is planning to co-opt. The notice will be displayed on the Town Council's website, social media, in noticeboards and when possible in printed newsletter.
- c) The Co-option Notice will include a contact point (ordinarily, the Clerk), the method by which application should be made, the closing date for the acceptance of requests for consideration (at least 21 days after the date of the display) and the number of vacancies.
- d) The application form will be made available on the Town Council's website with paper copies posted out upon request to the Town Clerk. The application form should clearly indicate any information which will form part of the public agenda.
- e) Members are permitted to point out the vacancies and the application process to any qualifying applicant(s).
- f) The Town Council will welcome people with a wide range of life skills and experience and also those who will bring enthusiasm and commitment to the Council.
- g) The Town Council will name the date of a Full Council meeting where applications will be considered, and at which a co-option made if a suitable

¹ Local Government Act 1972, S 87(i)

² Local Elections (Parishes and Communities) (England and Wales) Rules 2006, SI 2006/23305, r5(4)

candidate has come forward. This date should be communicated to applicants. Applicants will be sent an agenda when it is issued.

2.2 Consideration of Candidates and Selection procedure.

- a) The process will take place in a public meeting.
- b) Only those candidates that fulfill the legislative eligibility criteria will progress to be considered at the meeting.
- c) Councillors will be provided with the candidates' information upon issue of the agenda.
- d) Once the agenda has been issued, councillors should not contact applicants to ask further questions nor to discuss the vacancy. Queries to councillors from applicants should be re-directed to the Clerk.
- e) At the Council meeting where the co-option takes place, each candidate will firstly be invited to speak for up to 5 minutes should they wish to, but it will be stated by the chair that this is voluntary. The order of those wishing to speak will be alphabetical by surname. There will follow a question session where councillors will have opportunity to ask questions of candidates through the chair. Some questions could be intended for more than one candidate and so this will be an open session. Councillors should not ask questions that could be regarded as of a personal nature and the Chair can refuse questions if deemed inappropriate.
- f) Candidates will be treated with respect by all members and will not in any way be made to feel belittled or derided at any stage of the process. In turn, candidates will be expected to be respectful to Members regardless of political affiliation, and also to any Council employees present.
- g) When all the applicants that wish to have spoken, and the chair ends the question session, the proceedings will move to the vote.

2.3 Voting process

- a) If there are more than two vacancies, the process described in (b) to (h) will take place for each vacancy in turn.
- b) Candidates will be given the opportunity to leave the room for the duration of the voting process should they wish.
- c) Requests for nominations for co-option as a Member onto Kidsgrove Town Council, [.....] Ward will be requested by the Chair. Only applicants who receive a proposer and seconder will progress to the vote.
- d) If a candidate is unable to attend the meeting, they are still eligible for nomination and to be included in the vote if they do receive a proposer and seconder.
- e) It may be that none of the candidates receives a nomination. The Council will reserve the right not to co-opt at the meeting if none of the candidates are

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deemed suitable, but the vacancy must be re-advertised as soon as practically possible.

- f) Voting will be by show of hands. The chair shall read the name of each candidate who has received a proposer and seconder, in alphabetical order, and those councillors who wish to vote for them will raise their hands. Each councillor will only vote for one candidate in each round.
- g) A successful candidate must receive the majority of votes from those present and voting with the chair of the meeting having a second and casting vote if required.
- h) If there are more than two candidates nominated in a round and none receives a majority, then the candidate with the least votes will be eliminated and another round of voting will take place as described in (f). This will continue until a candidate has received a majority.

2.4 Co-option

- a) Once a candidate has received a majority vote, the Chair can declare them as co-opted and they will be asked to sign their Declaration of Office, witnessed by the clerk. If the successful candidate was unable to attend the meeting, the Clerk will arrange for this to take place as soon as practically possible and before the candidate acts as a Member in any capacity.
- b) The Clerk will notify the elections officer at Newcastle-under-Lyme Borough Council and will ensure the successful candidate(s) complete their Register of Members Interests within 30 days.