

# **Bentham Town Council**

## **CO-OPTION PROCEDURE**

**A policy setting out the co-option process for both ordinary and casual vacancies.**

### **ORDINARY VACANCIES: -**

Vacancies created by an uncontested election are termed "ordinary vacancies".

Ordinary vacancies (those arising at an uncontested election), MAY be filled by co-option, by virtue of Section 21 of Representation of the People Act 1985.

### **CASUAL VACANCIES: -**

Vacancies created in the four-year (or longer) term of office are called "casual vacancies".

Casual Vacancies (those created during a term) MUST be filled by co-option, by virtue of para 5 (5) of Statutory Instrument No 3305, Representation of the People, England and Wales, 2006.

Craven District Council will advertise the casual vacancy. If no request for an election is received by Craven District Council by the date on the Notice of Vacancy, the Democratic Services Department will advise the Town Council that the vacancy should be filled by co-option. (Although within 6-months of an election the Council may choose not to fill the vacancy)

### **INTRODUCTION: -**

Co-option is the process by which the Town Council selects a new Councillor and it is done as an agenda item within the normal Town Council meeting.

The Town Council manages the process of co-option by itself and strives to demonstrate that it is fair and equitable by following the procedure set out below:

When co-opting, vacancies must be filled if there are eligible applicants.

If the council is discussing the merits of candidates and their personal attributes, the press and public should be excluded for that part; then brought back in for the appointment or vote, which must be in public.

**PROCEDURE: -**

- 1 Bentham Town Council invites interested candidates to contact the Clerk using the Council's Application Form by a specified date (as advertised on the Council noticeboard and on the Council website). Councillors may also bring the vacancy to the notice of qualifying candidates. The vacancy(s) will be within a particular ward, but applicants can be from either High or Low Bentham due to the ward boundaries, but the elected member will be expected to represent the relevant ward to which they are elected.
- 2 The applications received are circulated to existing Councillors ahead of the meeting at which a Town Councillor is to be co-opted. Only the full Town Council can decide on co-option.
- 3 At the meeting members should be informed of the names of those applying for the vacancy(s): -
  - a Where the number of candidates is less than or equal to the number of vacancies, those candidates shall be appointed to the council, if they meet the eligibility criteria at Section 79 of the Local Government Act 1972, and if they are not disqualified under Section 80 of the Local Government Act 1972.
  - b If there are more applicants than vacancies, voting will take place near the beginning of the meeting by a show of hands.
    - i Only Town Councillors present at the meeting may vote upon a person to fill the vacancy(s).
    - ii If there are more applicants than vacancies, the Chairman should place the names of the applicants in alphabetical order by surname and take a vote. Councillors will have one vote only and should no single candidate receive a majority on the first vote the candidate with the lowest number of votes is eliminated. If there is a tie for bottom place a separate vote should be held to eliminate a candidate. Voting will then take place for the remaining candidates until one person receives a majority. In the event of a tie the Chairman may use his casting vote to achieve a majority. In the absence of an easy majority vote or if several Councillors are absent the Chairman may, at their discretion, decide to postpone the vote until the next Council meeting.
    - iii The Clerk will maintain an accurate record of all votes cast, which should be counted by an independent person (County or District Councillor if present)
    - iv If there is more than one vacancy the process should be repeated
- 4 The Town Council then passes a resolution confirming that successful applicant(s) is/are co-opted and they should be informed and invited to sign a declaration of acceptance of office before the next meeting.

- 5 The successful candidate is a Councillor in their own right and is no different to any other member. They will be summoned to attend the next council meeting. New councillors are unable to participate in the meeting at which they are appointed, because they were not councillors when the summonses to attend that meeting were served.

## **Adopted by Bentham Town Council**

Signed

Gareth Adams

Christine Downey

Chair

Clerk

Date: 25/07/2022