

# **BIRCHWOOD TOWN COUNCIL CO-OPTION POLICY**

This policy sets out the procedure to ensure there is compliance with legislation and continuity of procedures in the co-option of members to Birchwood Town Council.

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.

## **What is a Co-Option?**

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.

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; or
- A Councillor fails for six (6) months to attend meetings of a Council committee or sub-committee or to attend as a representative of the Council a meeting of an outside body.

## **The Procedure**

Birchwood Town Council must notify Warrington Borough Council of a Casual Vacancy and then advertise the vacancy giving electors the opportunity to request an election.

This occurs when ten electors write to the District Council stating that an election is requested. The people of the parish have fourteen days (not including weekends, bank holidays and other notable days), to claim the by-election, but the Warrington Borough Council (WBC) Electoral Officer will advise the Clerk of the closing date.

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.

If a by-election is called, a polling station will be set up by the Borough Council and the people of the parish will be asked to go to the polls to vote for candidates who will have put themselves forward by way of a nomination paper.

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

## **Advertising the Co-Option**

The vacancy will be advertised on Town Council notice boards, on the Town Council website, and social media.

The co-option notice / advert will include the following details:

- the method by which applications can be made
- the closing date for all applications
- a contact point to obtain more information (ordinarily this will be the Town Clerk)
- provide details of how to find further information either electronically or in paper format

## **Confirmation of Co-option**

On receipt, of written confirmation, from the Electoral Services Office from the Borough Council, the casual vacancy can be filled by means of Co-option, the Town Clerk will:

- Advertise the vacancy for four weeks on the Council notice boards and website
- Advise Birchwood Town Council that the Co-option Policy has been instigated

Birchwood Town Council is not obliged to fill any vacancy.

Even if the Council invites applications for co-option, it is not obliged to select anyone from the candidates who apply. However, it is not desirable that electors in a ward be left partially or fully under-represented for a significant length of time. Neither does it contribute to the effective and efficient working of the Council, if there are insufficient Councillors to share the workload equitably, to provide a broad cross-section of skills and interests, or to achieve meeting quorums without difficulty.

Councillors elected by co-option are full members of Birchwood Town Council.

## **Eligibility of Candidates**

Birchwood Town Council can consider any person to fill a 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 or other premises in the parish; or
- had his/her principal place of work in the parish; or
- has lived within three miles (direct) of the parish.

There are certain disqualifications for election, of which the main are (see 5. 80 of the Local Government Act 1972):

- holding a paid office under the local authority
- bankruptcy
- having been sentenced to a term of imprisonment (whether suspended or not) of not less than three months, without the option of a fine during the five years preceding the election, and
- being disqualified under any enactment relating to corrupt or illegal practices.

Candidates found to be offering inducements of any kind will be disqualified.

## **Applications**

Members may point out the vacancies and the process to any qualifying candidate(s).

Candidates will be provided with an application and information pack, providing further details of Birchwood Town Council and the expectations of being a Town Councillor.

Candidates will be requested to complete the application form for co-option upon which a candidate confirms their eligibility for the position of Councillor within the statutory rules. This will form part of the application process and failure to complete this may render the co-option application invalid.

The Council will have due consideration to the Equality Act 2010 and by discretion, may allow applications to be completed by 3<sup>rd</sup> parties and/or submitted by alternative means.

Completed applications must be submitted to the Town Clerk no later than 7 calendar days before the date of the Full Council meeting for which applications are to be considered and by noon of that day. The precise dates and times for submission will be included in the application pack. Late applications will not be accepted.

Following receipt of applications, the next suitable Council meeting will have an agenda item 'To receive written applications for the office of Town Councillor and to Co-opt a candidate to fill the existing vacancy'. Copies of the candidates' applications will be circulated to all Councillors by the Clerk at least 3 clear days prior to the meeting of the full Council, when the co-option will be considered.

Candidates will also be informed that they will be invited to speak about their application at the meeting, and will be sent a full agenda of the meeting at which they are to be considered for appointment, together with a copy of the Code of Conduct, Standing Orders and Financial Regulations of Birchwood Town Council.

If candidates are unable to attend this meeting, their application will still be considered in their absence. No alternative date or time for a meeting will be arranged.

All Members will receive copies of candidate applications which will be considered as strictly confidential papers, as they will likely contain personal information relating to the candidate.

The co-option process will be determined in a public session of Council and a specific agenda item will be set aside for applicants to make a brief, verbal presentation to Council in support of their application.

### **The Co-option Meeting**

At the 'co-option meeting', candidates will be given five minutes maximum to introduce themselves to Members, give information on their background and experience and explain why they wish to become a Member of Birchwood Town Council.

Members may ask questions of the candidates following their presentations.

Where the Council wishes to discuss the merits of candidates and, inevitably, their personal attributes, this could be prejudicial, and the Council reserves the right to resolve to exclude the members of the press and public (including the candidate). During this session, any concerns over the application must be aired to the Council.

Following the conclusion of all presentations, Members present at the meeting will proceed to the vote in accordance with the Town Council's Standing Orders. The vote will be in public based on the acceptability of each candidate utilising the 'person specification' criteria set out in Appendix A, and any personal statements provided by candidates, with each candidate being proposed and seconded by the Councillors in attendance.

Voting will be by individual candidate in alphabetical order and each Member will have one vote each.

If a candidate is a relative of a Town Councillor, that Councillor may declare a prejudicial interest and withdraw from the meeting.

A successful candidate must have received an absolute majority vote by those Councillors present. (In accordance with LGA 1972, Sch 12, para 39. an absolute majority is where the number of votes cast to any preferred candidate receives a majority over the aggregate votes given to the rest, i.e.–15 votes cast, an absolute majority would require a candidate to receive 8 votes with the other 7 being split amongst other candidates.)

If there are more than two candidates for one vacancy, and not one of them at the first count receives a majority over the aggregate votes given to the rest, steps must be taken to strike off the candidate with the least number of votes and the remainder must then be put to the vote.

This process must, if necessary, be repeated until an absolute majority is obtained.

In accordance with Standing Orders, the Chair may exercise his/her right to use a casting vote.

If there is more than one vacancy, and the number of candidates equals the number of vacancies, all the vacancies may be filled by a single composite resolution, but if the number of candidates exceeds the number of vacancies each vacancy must be filled by a separate vote or series of votes.

After the vote(s) has been concluded, the Chairman will declare the successful candidate duly elected. After signing their declaration of acceptance of office, agreeing to be bound by the Council's adopted Code of Conduct, they may then take their seat at Council and will be appointed to a committee and as a representative to local organisations.

Any application can be considered in the candidate(s) absence, but if successful, members would need to agree for him/her to sign the Declaration of Office either before or at the next meeting.

As soon as practicable following their co-option, any newly co-opted members will be invited to attend an Induction and Training session with the Town Clerk and/or other officers. This should take place, where possible, before the next Full Council meeting.

The Clerk will notify Electoral Services of the new Councillor appointment. The successful candidate(s) must complete the 'registration of interests' within 28 days of being elected.

The form should be handed to the Clerk for forwarding to the Monitoring Officer.

If insufficient candidates come forward for co-option, the process should continue, whereby the vacancies are again advertised.

Candidates should be aware that, unless specified otherwise, all Council meetings are open to the press and public and what is said could be quoted in local press or on social media. In the interests of transparency all Councils are required to allow any member of the public to take photographs, film, and audio-record the proceedings, and report on all public meetings.

Councillors should provide a contact number and email address to be displayed on the Town Council's website.

I ..... (insert name) hereby confirm I have read and understand the above.

Signature.....Date.....