

Wigton Town Council

Co-option Policy



Adopted January 2024

Introduction

- 1.1 This policy sets out the procedure to ensure there is compliance with legislation and continuity of procedures in the co-option of members to Wigton Town Council.
- 1.2 This co-option procedure is entirely managed by Wigton Town Council, and this policy will ensure that a fair and equitable process is carried out.
- 1.3 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.

Ordinary Vacancy

2.1 An ordinary vacancy occurs when there are insufficient candidates to fill all the seats on a Parish/Town Council at the ordinary elections held every four years. Any candidates who were nominated are automatically elected to the Parish/Town Council and any remaining vacancies are known as “ordinary vacancies”. Provided there are enough parish councillors to constitute a quorum, the Parish/Town Council is usually able to co-opt a volunteer to fill the vacancies.

Casual Vacancy

- 3.1 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 sub-committee or to attend as a representative of the council a meeting of an outside body.
- 3.2 Wigton Town Council will notify electoral services at the Cumberland Council of a casual vacancy who will provide the Town Council will a notice to display on their website, social media pages and notice boards. The notice will be displayed for 14 days (not including weekends, bank holidays and other notable days) to give the electors the opportunity to request a by-election. This will occur when ten (10) electors write to Wigton Town Council that an election is requested.
- 3.3 If a by-election is called, polling stations will be set up by the Cumberland Council and the people of the ward will be asked to go to the polls to vote for candidates who will have put themselves forward by way of a nomination paper. Wigton Town Council will pay the costs of the election.

- 3.4 If more than one (1) candidate is then nominated, a by-election takes place but if only one (1) candidate is put forward they are duly elected without a ballot.
- 3.5 If ten (10) electors do not request a ballot within fourteen (14) days of the vacancy notice being posted, as advised by the Electoral Services Office, the Town Council is able to co-opt a volunteer.

Co-option process

- 4.1 The Town Clerk will:
- Advertise the vacancy for four weeks or such other period as the Town Council may agree on the Town Council notice boards, website and social media.
 - Advise The Cumberland Council that the co-option process has been started.
- 4.2 This procedure will also apply in the case of an ordinary vacancy where the Electoral Services Office has confirmed that there were insufficient nominations to fill all the seats but there are sufficient town councillors elected to constitute a quorum.

Eligibility

- 5.1 The Town Council can consider any person to fill a vacancy provided that:

- He/she is 18 or over,
- He/she is a British citizen, a qualifying Commonwealth citizen or a citizen of any other member state of the European Union.

and at least one of the following apply:

- He/she is an elector for the Parish and continues to be an elector,
- Or has resided in the Parish for the past twelve months or rented/tenanted land in the Parish,
- Or has had his/her principal or only place of work in the Parish for the past twelve months,
- Or has lived within three miles of the Parish for the past twelve months.

- 5.2 There are certain disqualifications for being a parish councillor, of which the main are (see s80 of the Local Government Act 1972):

- Holding a paid office or employment under the Parish Council,
- 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 preceding five years,
- Being disqualified under any enactment relating to corrupt or illegal electoral practices.

Applications

- 6.1 The Staffing, Policy and Development Committee will meet within one month of being notified by the Town Clerk that the co-option process should be followed.
- 6.2 The Staffing, Policy and Development Committee will consider what skills and qualities are required from the candidate(s) by reviewing the councillor qualities form.
- 6.3 The Staffing, Policy and Development Committee will review a co-opted councillor vacancy advertisement prepared by the Town Clerk and once approved, instruct the Town Clerk to place the advert on the council's website, social media, and noticeboards.
- 6.4 The Town Clerk will advertise the vacancy for fourteen (14) days (not including weekends, bank holidays and other notable days)
- 6.5 The Town Clerk will provide candidates with:
 - An application form.
 - A councillor qualities form.
- 6.6 Candidates will be encouraged to attend at least one council meeting prior to submitting their application form.
- 6.7 In order to proceed with an application, candidates will be required to:
 - Confirm their eligibility
 - Submit information about themselves, by way of completing a short application form.

APPLICATION –NEXT STEPS

- 7.1 Copies of the eligible candidates' applications will be circulated to all councillors by the Town Clerk at least 3 clear days prior to the meeting of the Full Council, when the co-option will be considered.
- 7.2 Following receipt of applications, the next suitable Full Council meeting will have an agenda item 'To receive written applications for the office of Town Councillor and to co-opt a candidate(s) to fill the existing vacancy (vacancies)'. Eligible candidates will be invited to attend the meeting.
- 7.3 All such documents will be treated by the Clerk and all parish councillors as strictly private and confidential and will be destroyed when no longer required. Applications sent to councillors via email will be password protected.

CHOOSING THE RIGHT CANDIDATE

- 8.1 The agenda item 'To receive written applications for the office of Town Councillor and to co-opt a candidate(s) to fill the existing vacancy (vacancies) will be the last agenda item of the full council agenda.
- 8.2 During this agenda item, candidates will be given up to 10 minutes maximum to introduce themselves to the parish councillors (members), give information on their background and experience and explain why they wish to become a member of the Town Council.
- 8.3 After the candidate has spoken, the chairman will ask two questions that have been pre-prepared. These questions must be the same questions asked of all candidates. Councillors can then ask any further questions relevant to the role with this being managed by the chairman.
- 8.4 Candidates will be asked to leave after their discussion to allow members to enter into a discussion. As the Town Council are discussing the merits of candidates and inevitably their personal attributes, this could be prejudicial, so the Town Council should resolve to exclude the members of the press and public at this point.
- 8.5 As soon as all candidates have finished giving their submissions, the Town Council will proceed to a vote with each candidate being proposed and seconded by the councillors in attendance and a vote by a show of hands.
- 8.6 For a candidate to be co-opted to the Town Council, it will be necessary for them to obtain an absolute majority of votes cast (50% + 1 of the votes available at the meeting). If there are more than two candidates and there is no candidate with an overall majority in the first round of voting, the candidate with the least number of votes will drop out of the process. Each councillor must vote, no abstention allowed. The Chairman may only use their casting vote if two successive voting rounds are stalemated.
- 8.7 The Town Clerk will inform the candidates of the decision at the soonest opportunity. They will be invited into the office to sign a Declaration of Acceptance of Office and provided with a copy of the Town Council's Code of Conduct and may take office thereafter.
- 8.8 The Town Clerk will notify the Electoral Services Office at the Cumberland Council of the co-option of the new Town councillor.
- 8.9 If insufficient candidates are co-opted or if after the vote was taken and the candidate(s) did not receive a majority vote after two rounds of voting, the process should continue, whereby the vacancies are again advertised.