



Alsager Town Council

Co-option Procedure



Introduction

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

The co-option procedure is entirely managed by the Town Council, ensuring that a fair and equitable process is carried out.

The co-option of a town councillor occurs in two instances:

1. When an ordinary vacancy has arisen on a Town Council after the ordinary elections held every four years.
2. When a casual vacancy has arisen on a Town Council and no by-election has been called.

The Council is composed of three wards: East Ward, Central Ward and West Ward.

Ordinary Vacancy

An ordinary vacancy occurs when there are insufficient candidates to fill all the seats on the Town Council at the ordinary elections held every four years. Any such vacancy/vacancies should be advertised within 35 days of the election. The nomination qualifications required of an applicant whether for an ordinary or casual vacancy are the same in accordance with s.79 of the Local Government Act 1972. Any candidates who were nominated are automatically elected to the Town Council and any remaining vacancies are known as "ordinary vacancies". Provided there are enough town councillors to constitute a quorum, the Town Council is able to co-opt a volunteer to fill the vacancies.

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 sub-committee or to attend as a representative of the council a meeting of an outside body.

The Town Council has to notify the Borough Council of a casual vacancy and then advertise the vacancy and give electors for the ward the opportunity to request an election [S.87(2) of the Local Government Act 1972]. This occurs when ten (10) electors write to the Borough Council stating that an election is requested.

If a by-election is called, a polling station will be set up by Cheshire East 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. Alsager Town Council will pay the costs of the election. The people of the ward have fourteen days (not including weekends, bank holidays and other notable days), to claim the by-election, but the Electoral Services Office of Cheshire East Council will advise the Clerk of the closing date.

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.

If ten (10) residents 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

On receipt of written confirmation from the Electoral Services Office that no by-election has been claimed, the casual vacancy can be filled by means of co-option.

The Clerk will:

- Advertise the vacancy for four weeks or such other period as the Town Council may agree on the Town Council notice boards and website,
- Advise Cheshire East Council that the co-option policy has been instigated.

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 of Candidates

The Town Council is able to 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.

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

Candidates will be requested to:

- Submit information about themselves, by way of written letter.
- Confirm their eligibility for the position of town councillor within the statutory rules.

Nominees will be made aware that canvassing of Council members will disqualify them from standing for the vacancy.

A Full Council meeting will be called with an agenda item: 'To receive written applications for the office of Town Councillor and to co-opt a candidate to fill the existing vacancy'.

Eligible candidates will be invited to attend the meeting.

Copies of the eligible candidates' applications will be circulated to members prior to the meeting where the co-option will be considered.

All documents will be treated by the Town Clerk and councillor's as strictly private and confidential.

At the Meeting

At the meeting, each nominee will be invited to speak for up to 2 minutes to introduce themselves to the town councillor's, give information on their background and experience and explain why they wish to become a member of the Town Council. Councillors are able to ask the candidates questions. The process will be carried out in the public session.

The meeting will then re-convene as an open meeting and a vote will take place.

When all nominees have spoken the Chairman shall call members to proceed to vote in the form of an anonymous ballot. Ballot papers prepared and distributed by the Town Clerk will

be distributed to those councillor's present. Councillor's must mark a preference on the ballot paper which will be collected by the Town Clerk. No proxy votes are allowed.

The candidate must receive an absolute majority of the vote of those present (50% + 1 of the votes available at the meeting, LGA 1972 Sch.12. Para 39) 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.

Further rounds of voting will take place with the process repeated until a candidate has an absolute majority. In the event of a tied ballot, the Chairman has the casting vote. Should the Chairman refuse to use their casting vote, a toss of the coin will be used to determine the outcome.

The ballot(s) will be counted by the Town Clerk in the presence of the meeting and the Chairman will declare the result and recorded in the Town Council minutes.

Where the council believes it has sound reason to do so, due to the unsuitability of candidates, it may choose not to appoint a candidate and to readvertise the vacancy. (Any decision not to appoint a candidate and leave a vacancy must be for reasons that would satisfy any legal challenge.)

If insufficient candidates are co-opted, the process should continue, whereby vacancies are again advertised.

If present, the candidate who is co-opted will sign a Declaration of Acceptance of Office, including an undertaking to abide by the Town Council's Code of Conduct, and make take office thereafter. If not present, a co-opted candidate will sign the Declaration of Acceptance of Office as soon as possible and before the next meeting of the Town Council. The Candidate will not be able to act as a Councillor until they have signed the Declaration of Office. The new councillor will complete a Register of Interests form and any other requirement as determined by the Council.

The Town Clerk will notify Cheshire East Council Electoral Services Office of the co-option.