

POLICY

Councillor Cooption

What is in the Policy?

This policy highlights the Councils approach to coopting Councillors when a vacancy arises.

Date Adopted

27th January 2025

Review Date

January 2028

For more information please contact: info@waretowncouncil.gov.uk / 01920 460316

This procedure is based on NALC Legal Briefing L15-08 – Co-Option.

Town and parish councils are permitted to exercise the power to co-opt a person on to the Council to fill a casual vacancy when the requirements to hold an election have not been met (i.e. the vacancy has been the subject of a public notice and less than 10 registered electors have requested an election by a deadline date specified by the District Returning Officer).

Although seeking “expressions of interest” is not a legal requirement, the National Association of Local Councils (NALC) recommends that Councils always give public notice of vacancies because this makes the process of co-option open and transparent and should attract more potential candidates.

Whenever the need for co-option arises, Ware Town Council will:

- 1) Advertise the vacancy as soon as practicable and seek “expressions of interest” by a specified date from anyone who is eligible to stand as a Town Councillor. Advertisement to be on the Town Council website, social media, noticeboards and press release. All potential candidates will be requested to put their request for consideration in writing with the following additional information: -
 - i. Reason for wishing to be a Councillor
 - ii. Previous Council/ Community work, and
 - iii. Other skills they can bring to the Council
 - iv. How they meet the person specification

Please note that it is a condition of being a Councillor that a means of contact by phone and/ or email will be public information.

- 2) At the next Full Council meeting:
 - i. Clerk to confirm that each candidate is qualified to become a Councillor and is not disqualified from being a Councillor as set out in the Local Government Act 1972 s79 and s80.
 - ii. Candidates will be given the opportunity to make a short statement (no more than 3 minutes) in support of their application. Only those candidates able to attend the designated meeting will be eligible for cooption.
 - iii. Vote on the acceptability of each candidate for co-option, utilising the person specification criteria set out below and any personal statements requested from and provided by candidates. An absolute majority vote is required for each candidate from all members present and entitled to vote (LGA 1972 Sch. 12 para 39). Voting will take place by written ballot, with each Councillor having a single vote in each round of voting. Votes will be counted by the Clerk, who will report the result to the Councillor overseeing the process.
 - iv. The candidate who receives an absolute majority of votes is co-opted.
 - v. If no candidate receives an absolute majority of votes, the candidate with the lowest number of votes is removed from the process, and voting takes place again until one candidate receives an absolute majority.

- vi. If no candidate receives an absolute majority of votes, and two candidates are joint last in terms of the numbers of votes, then a further round of voting may be held to decide which of those two should drop out of the process.
- vii. If only two candidates remain and they receive equal votes, giving neither an absolute majority, the Chair of Council may use his/her casting vote to make the decision.
- viii. If there are several vacancies, the same process is repeated until all the vacancies are filled.
- ix. The Clerk to notify Electoral Services of the new Councillor appointment, initiate acceptance of office paperwork and registration of interests as required.
- x. If no-one accepts the vacant post(s), the whole process is to be repeated when new individuals expressing interest are identified or until the next election.

Review Summary:

Date	Update
27 th January 2025	Re adopted no changes
14 th February 2022	Re adopted no changes
20 th October 2019	Adapted to include candidates must be present at the time of the vote.
13 th May 2019	Adapted
20 th February 2017	Adopted