Chilton Town Council

CO-OPTION POLICY & PROCEDURE

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CHILTON TOWN COUNCIL CO-OPTION POLICY

1. Introduction

1.1 There are two circumstances under which the Electoral Officer of Durham County Council will notify Chilton Town Council that it may, if it so wishes, proceed to fill a casual vacancy by co-option:

a) when a ward seat has been left vacant because no eligible candidate stood for election at the full elections for a new council (currently at four-yearly intervals). In this instance the Town Clerk would be notified of vacancies by Durham County Council and that efforts must be made to fill the vacancies by co-option. The Council will be notified and they will decide if they wish to proceed to Stage 2.

b) During the life of a council when a ward seat has fallen vacant (because of a resignation, death of ineligibility) the Town Clerk will immediately notify the Electoral Officer and the vacancy will be advertised. If the required 10 electors of the ward have not called for a poll (by-election) within the legally specified time period (currently 14 days) following publication of the Notice of Vacancy, the Town Clerk will be notified by Durham County Council that the vacancies must/can be filled by co-option.

1.2 The Town Council is not obliged to co-opt 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.

1.3 However, it is not desirable that electors are left partially or fully unrepresented for a significant length of time. Neither does it contribute to 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, given that some absence is unavoidable at times.

1.4 To ensure that a fair and transparent process is undertaken this policy sets out the process to be followed by Chilton Town Council when co-option is under consideration.

2. Application Process to be followed

2.1 On receipt of written notification, from the Electoral Officer at Durham County Council that a casual vacancy must be filled by means of co-option:

a) The Town Clerk will announce the vacancy or vacancies to be filled by co-option within 21 days of receipt of the written notification by means of displaying a Notice on the Council Noticeboard, and website.

b) The co-option Notice will include the closing date for acceptance of request for consideration and the number of vacancies

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

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

2.4 Although there is no Statutory Requirements to do so, any Applicant for co-option will be asked to:

a) submit information about themselves, by completing a short application form (a copy of the application form is attached as Appendix 1) covering their reasons for wishing to be a Councillor; previous community/council works; any other skills they can bring to the Council, their interests and recent career history, (similar to that which they would produce if they were standing for election). The Council agreed that they would look to co-opt members who would commit to the Council Vision and Mission - "**seeks opportunity for future generations, while retaining pride in its local heritage" by "conserving Chilton and enhancing Chilton as an attractive and sustainable place to live, visit and do business."** And to honour the pledge to operate under the Council core values **to support residents, business and community groups with a strengthened emphasis on enhancing environmental sustainability and promoting equality, diversity and inclusion.**

b. As a council member it is a prerequisite that you become a Trustee of the Chilton Miners Recreation Grounds Charity, and as such we would look for prospective members to demonstrate a passion and commitment for the "purpose of the charity" and have the time as a volunteer to support its ongoing success. We are specifically looking for individuals with experience of one or more of the following: having sat as a member of a Charity Board, ground maintenance, community sport participation, working with young people.

To adhere to Charity Regulations, you must:

- Meet the minimum age requirement
- Not be disqualified from being a trustee
- And for some functions require a DBS check

We would also expect Trustees to adhere to the Nolan Principles of Public Life and standards for Equality, Diversity and Inclusion.

And

c. Confirm their eligibility for the position of Councillor within the statutory rules

2.5 Copies of the applicant's application form will be circulated to all councillors by the Town Clerk with the agenda for the meeting of the full Council, when the co-option will be considered. All documents will be treated by the Clerk and all councillors in accordance with Data Protection requirements where they contain personal information and this information will be redacted from the forms.

2.6 Candidates will be sent a full agenda of the meeting at which they are to be considered for appointment, together with a copy of the Member Code of Conduct, Standing Orders and Financial Regulations of the Council. Candidates will also be informed that they may, if they so wish, speak for up to 3 minutes about their application during the Public Session of the Council meeting and answer questions that the Council may have of them.

3. Voting Procedure

The procedure for voting in Council on Casual Vacancies is set out at **paragraph 6.15, page 49 of the Eleventh Edition of "Arnold-Baker on Local Council Administration" Clayden, Paul published by Lexis Nexis** in accordance with The Local government Act 1972, Sch 12 para 39 which states that

"*A successful candidate must have received an absolute majority vote of those present and voting. It follows that if there are more than two candidates for one vacancy and no 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 again; this process must, if necessary, be repeated until an absolute majority is obtained.*

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"

3.1 Accordingly, at the appropriate business item on the published agenda Councillors will proceed direct to voting.

3.2 Voting will be according to the statutory requirements, in that a successful candidate must receive **a majority vote of those present and voting.**

- If there are more than two candidates for one vacancy and no one of them at the first count receives a majority over the aggregate votes given to the rest, the candidate with the least number of votes will be removed from consideration and the remainder will then be put to the vote again
- This process will, if necessary, be repeated until a majority is obtained
- This process will be followed separately for each individual vacancy for which co-option is under consideration
- If no candidate secures an absolute majority of votes cast for an individual vacancy, then that vacancy remains unfilled (e.g. if 18 councillors are present and 10 abstain from voting then there is no absolute majority)

3.3 Councillors shall vote by show of hands, however if any members so requires the Clerk shall record the names of members who votes on any question so as to show whether they voted for, against or abstained. If the meeting is a remote meeting via ZOOM the

Council's previously agreed Remote Meeting Protocol will apply and voting will be in the traditional manner by show of hands, i.e. a secret ballot will not be possible.

3.4 In the case of equality of an equality of votes, the Chairman of the meeting has a second or casting vote.

3.5 After the vote has been concluded, the Chairman will declare the successful candidate duly elected and they will be asked to:

- Sign their declaration of acceptance of office before they can act as a Councillor. The Register of Interest must be completed within 28 days and the Town Clerk will forward a copy to the Monitoring Officer.