



Bingham Town Council

Councillor Co-option Policy

Introduction

This policy sets out the procedure to ensure there is compliance with legislation and continuity of procedures in the co-option of Councillors to Bingham Town Council. The co-option procedure is entirely managed by the Town Council and this policy will ensure that a fair and transparent process is carried out.

Bingham Town Council has 14 Councillors, split across two wards, Bingham East and Bingham West, who typically serve a full 4 year term.

What is Co-option

The co-option of a Town Councillor can occur at:

- **Election Time**

A seat has been left vacant because no eligible candidate or insufficient candidates stood for election at the full elections, which happen every 4 years. Provided that those elected constitute at least a quorum (one third of the total number of Councillors).

In this instance the Town Clerk will be notified of vacancies by Rushcliffe Borough Council and advised that efforts must be made to fill the vacancies by co-option. The Town Council will be notified and they must give public notice of the vacancies and intention to co-opt.

The time period to complete a co-option in these circumstances is 35 days (not including weekends, public holidays and other notable days), from the election date. After 35 days, Rushcliffe Borough Council will advise the Town Council whether there will be a further election or to take other appropriate action to fill the vacancies.

If the Town Council is not quorate following an election, Rushcliffe Borough Council has wide reserve powers to do anything necessary to constitute the Town Council, including the temporary appointment of Councillors pending a further election.

- **During the 4 year term of Council**

A casual vacancy arises when:

- a Councillor fails to make their declaration of acceptance of office at the proper time
- a Councillor resigns
- a Councillor dies
- a Councillor becomes disqualified
- a Councillor fails for 6 months to attend meetings of the Council including Committees or Sub-committees of which they are a member or as a representative of the Council at a meeting unless they have a 'statutory excuse' (broadly speaking, military service during war or an emergency) or the failure to attend is due to a reason approved by the Council.

The Town Clerk will notify Rushcliffe Borough Council that a seat has fallen vacant. (However, if the vacancy is within the 6 months period prior to an election, then the Town Council may choose whether to fill the vacancy or not).

The Notice of a Vacancy would be advertised which would give the electorate the opportunity to call for a poll (by-election).

If a by-election is called within 14 days (not including weekends, public holidays and other notable days), if only one candidate is nominated they will be duly elected unopposed without a ballot. If there are two or more candidates nominated then a polling station will be set up in the ward by Rushcliffe Borough Council and the electorate of the ward will be asked to go to the polls to vote for a candidate who has put themselves forward by way of a nomination paper.

Bingham Town Council will pay the costs of the election.

If the required 10 electors of the parish do not claim 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 Rushcliffe Borough Council that the vacancy can be filled by co-option. The Town Council will be notified and they must give public notice of the vacancy and intention to co-opt.

Confirmation of Co-option

On receipt, of written confirmation, from Rushcliffe Borough Council, the casual vacancy can be filled by means of co-option, the Town Clerk will:

- Advise the Town Council that the co-option policy has been instigated
- If the vacancy is as a result of the death of a Councillor, no advert will be made until after the funeral
- Advertise the vacancy for 4 weeks on the Town Council notice boards and website

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.

The Town Council is not obliged to fill any vacancy. Even if the Town 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 particular ward be left partially or full under-represented for a significant length of time. Neither does it contribute to effective and efficient working of the Town Council if there are insufficient Councillors to provide a broad cross-section of skills and interests, or it puts a strain on being quorate at Full Council or Committees without undue difficulty.

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

Eligibility of Candidates

The Town Council is able to consider any person to fill a vacancy provided that (see section 79 of the Local Government Act 1972):

- Over 18 years of age
- British citizen or a qualifying Commonwealth citizen or a citizen of any other member state of the European Union. (A qualifying Commonwealth citizen is a person who either does not need permission to remain in the UK or has indefinite leave to remain in the UK).
 - An elector
 - Or resided in the parish for the past 12 months
 - Or within three miles (direct) of it
 - Or occupied as an owner or tenant land or premises therein
 - Or have their principal place of work in the parish.

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

- Holding a paid office within the Town Council;
- Subject of a Bankruptcy restrictions order or an interim order
- Hold a politically restricted post for another authority
- 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.

Application Process

All potential candidates will be requested to put their request for consideration in writing with the following information:

- Confirm their eligibility (as set out in the Local Government Act 1972 section 79)
- Confirm that they do not meet any of the criteria to be disqualified from being a Councillor (as set out in the Local Government Act 1972 section 80)
- Reason for wishing to become Councillor
- Previous community and/or Council work
- Other skills and experience that may be relevant in support of their application

Please note it is a condition of a being a Town Councillor that a means of contact will be public information.

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 to fill the existing vacancy'.

Applications must be received at least 5 days prior to a Full Council meeting as copies of the 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. All such documents will be treated by the Town Clerk and all Councillors as Strictly Private and Confidential.

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 Code of Conduct, Standing Orders and Financial Regulations of

the Town Council. Candidates will also be informed that they will be invited to speak about their application at the meeting.

At the Co-option Meeting

At the co-option meeting, candidates will be given five minutes maximum to introduce themselves to Councillors, give information on their background and experience and explain why they wish to become a Bingham Town Councillor.

The process will be carried out by suspending Standing Orders (adjourning the meeting to allow the candidates to speak). Where the Town Council wishes to discuss the merits of candidates and inevitably their personal attributes, the Town Council will resolve to exclude the candidates, members of the press and public. Once any discussions are complete, members of the press and public will be re-admitted.

The Town Council will proceed to a vote on the acceptability of each candidate by the Town Councillors in attendance by a vote by a show of hands.

In order for a candidate to be elected 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. Further rounds of voting will then take place with the process repeated until a candidate has an absolute majority. In the case of an equality of votes, the Chair of the meeting, typically the Mayor, has a second casting vote.

After the votes have been concluded, the candidates will be re-admitted and the Chair will declare the successful candidate(s) duly elected. After signing their declaration of acceptance of office, they may take their seat immediately.

The decision of Full Council is final.

The Town Clerk will notify Rushcliffe Borough Council 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 Town 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.

This Councillor Co-option Policy was considered and approved by Bingham Town Council on 16 May 2023

Minute Reference: 22