



Sandwich Town Council

Council Co-option Policy

1. Introduction

- 1.1 The normal process for filling a casual vacancy is election by the local electorate at a by-election. Co-option is the process by which the Town Council selects a new Councillor, rather than a by-election taking place.
- 1.2 There are two circumstances under which the Town Council may proceed to fill a casual vacancy by co-option:
 - When a seat has been left vacant because no eligible candidate stood for election at the ordinary elections for a new council (currently every four years).
 - When a seat falls vacant but the required ten electors of the relevant ward have not called for a poll (by-election) within the legally specified time period following publication of the notice of vacancy (see section 2 below).
- 1.3 If the period of vacancy has six or more months to run until the next ordinary election, the Town Council must use the co-option process, as soon as practicably possible. If the next ordinary election is within six months, the Town Council may choose whether or not it wishes to co-opt.
- 1.4 The Town Council is not obliged to select anyone from the candidates who apply in the co-option process; if the process is unsuccessful (whether through lack of or no suitable candidates which achieve a majority vote) then the Town Council will rerun the co-option process, subject to the timescales at 1.3 above.
- 1.5 The Town Council would manage the process of co-option itself, with this policy outlining the procedure to be followed by the Town Council when co-option is considered, in order to ensure a fair and transparent process is undertaken.

2. Timeline of a Casual Vacancy Occurring

- 2.1 Upon learning of a casual vacancy from a seat falling vacant (through the disqualification, resignation or death of a councillor, for example), the Chief Executive will have notified Dover District Council's Returning Officer of the vacancy arising. Dover District Council being the local electoral authority, legally responsible for delivering electoral services.
- 2.2 The District Council will advertise the vacancy and require the Town Council to make sure the notice of a casual vacancy is shared in conspicuous places. The Town Council meets this requirement by displaying the notice on its noticeboards and website.
- 2.3 A legal timeframe of fourteen days is assigned, from the date of the notice, for ten or more electors in the relevant town ward with the vacancy to contact the District's Council's Returning Officer requesting that a poll (by-election) be held. If this occurs, the District Council will issue a notice of poll and manage the by-election process accordingly.
- 2.4 If the requirements at 2.3 are not met and a poll is not requested by ten or more electors, the District Council will notify the Town Council that the casual vacancy may be filled by co-option.
- 2.5 As alluded to at 1.2 and 2.1, the other way in which a casual vacancy can occur (rather than by a seat falling vacant), is from the lack of eligible candidates at ordinary elections. In this case, the District Council's Returning Officer would notify the Town Council immediately after the results of the ordinary elections are known that co-option can take place.
- 2.6 As per 1.3 above, where there is six months or more until the next ordinary election, the Town Council will follow the process set out within this policy document upon notification that co-option can take place.
- 2.7 If there is less than six months until the next ordinary election, a report will be presented to Full Council as soon as practicably possible to enable Full Council to decide whether it wishes to co-opt to fill the vacancy.
- 2.8 If co-option is not used to fill a vacancy due to there being less than six months to the ordinary election, that seat will be filled as usual in the ordinary election process.

3. Advertisement Process

- 3.1 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.
- 3.2 On receipt of written notice from Dover District Council (the local electoral authority) that a casual vacancy may be filled by means of co-option (see section 2 above):
- The Chief Executive will advise the Mayor and Council of the vacancy to be filled by co-option before ensuring this is advertised.
 - The co-option advertisement will include the closing date for requests for consideration (fourteen days after the date of the advertisement) and the number of vacancies, and will be shared on the Town Council's website, social media platforms and noticeboards.
- 3.3 Councillors may point out the vacancies and the process to any qualifying candidate(s). Candidates found to be offering inducements of any kind will be excluded from the process.

4. Application Process

- 4.1 Applicants for a vacancy will be asked to:
- Confirm their eligibility for the position of councillor within the statutory rules and that they are not disqualified from standing. A copy of the criteria is set out within the Councillor Casual Vacancy Application Form.
 - Submit information about themselves by completing a Councillor Co-option Application Form (see Appendix A), including a description of their interest in becoming a councillor and specifying any skills or qualifications which may benefit the Town Council.

5. Decision-Making Process

- 5.1 Copies of all applications will be circulated, via agenda, to all Councillors by the Chief Executive at least three clear working days prior to the Full Council meeting where the

co-option will be considered. The applications will be treated by the Chief Executive and Councillors as strictly confidential. GDPR will be adhered.

- 5.2 The co-option process will be determined in a public session of the Town Council
- 5.3 The initial vote will be to decide whether to proceed with co-option – this vote will be taken by ballot paper.
- 5.4 Should Full Council resolve that there are suitable candidates and to proceed, Councillors will vote for individual candidates by ballot paper, alphabetically by surname. Councillors will have one vote per vacancy to be filled.
- 5.5 In the event of there being only one candidate, a vote will still need to be taken.
- 5.6 Councillors are still bound to declare a prejudicial interest if they or a member of their family or close associate are related to or have a close relationship to an individual candidate. If a Councillor is uncertain of whether an interest is declarable, they can seek the advice of the Chief Executive ahead of the meeting. If a dispensation is requested and not granted, the Councillor will have to withdraw from the meeting for the co-option item of the agenda.
- 5.7 A candidate can only be elected by co-option following a majority vote of Full Council. A majority vote is a majority of the total number of Councillors present at the meeting e.g., if there are 15 councillors voting, the majority would be 8 votes for.
- 5.8 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.
- 5.9 The Council is not obliged to fill all or pany vacancies. If this is the case, steps will be taken to advertise for further co-options, subject to the timescales at 1.3 above.

6. Successful Co-option – Next Steps

- 6.1 Successfully co-opted candidates become Councillors in their own right, with immediate effect (subject to the signing of the declaration of acceptance of office).
- 6.2 The co-opted members will be asked to sign a Declaration of Acceptance of Office before or at the first meeting of the Town Council after their election and to agree to be bound by the Town Council's adopted Code of Conduct. They may then take their seat at the Town

Council and will have the ability to be appointed to committees and/or become a representative to local organisations.

- 6.3 The Register of Members Interests form must be completed within 28 days of election and sent to Dover District Council's Monitoring Officer with a copy held by the Town Council.
- 6.4 Any newly co-opted members will be provided with a welcome pack and invited to attend an induction session with officers. This should take place, where possible, before the next Full Council meeting.

Written: July 2022

Review: May 2023