

# **Boroughbridge Town Council**

## **1. Co-Option Procedure**

1.1 Although the process for co-option to vacancies of local councils is **not** prescribed in law, NALC's Legal Briefing L15-08 (Original date of issue: 23 July 2008 Re- issue: 7 May 2015) does provide guidance.

1.2 Of paramount importance is that all applicants are treated alike so that arrangements are seen as open, fair and transparent. This procedure sets out the process to be followed by Boroughbridge Town Council when co-option is under consideration. However if the position to be filled is less than 12 months away from an election a resolution from the council may decide to defer the process until that time.

1.3 Whenever the need for co-option arises, Boroughbridge Town Council will seek and encourage applications from anyone who is eligible to stand as a Parish Councillor. Councillors and parishioners can legally approach individuals to suggest they might wish to consider putting their names forward for co-option and encouraging them to register their expression of interest. When considering people that may be approached Councillors should always bear in mind the Nolan Principles of integrity in public service

1.4 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.

1.5 Any candidate(s) found to be offering inducements of any kind or undue pressure will be disqualified.

1.6 However, it is not desirable that electors of the Parish be left partially or unrepresented for a significant length of time; neither does it contribute to the effective and efficient working of the Town Council if there are insufficient Councillors to share the workload equitably, provide a broad cross-section of skills and interests, or to achieve meeting quorums without difficulty, given that some absence is unavoidable at times. However, this must not be used as an excuse to co-opt and the vacancy until such times as there are expressions of interest and application forms completed.

1.7 Councillors elected by co-option are full members of the Parish Council.

## **2. Process**

2.1 In the event of a vacancy occurring due to resignation, death or ineligibility, the Clerk will immediately inform the Elections Office at North Yorkshire Council ( NYC), who will then supply the requisite Notice of Vacancy for posting.

2.2 Should the requisite 10 electors of the Parish have not called for a poll (by-election) within the legally specified time period following the publication of the Notice of Vacancy, the Parish Clerk is notified by Electoral body that the vacancy(ies) may be filled by co-option. The Parish Council may then decide if they wish to proceed to co-opt within 28 days or wait for a period of up to 6 months before proceeding.

2.3 The Parish Council will place the Notice of Vacancy supplied by the Elections Office at North Yorkshire Council on public notice boards and the council website. The notice will also be displayed in other locations if instructed by the Council.

2.4 On receipt of written notification from the Elections Office at NYC that a casual vacancy can be filled by means of co-option and on instruction from the Council, the Clerk will place a notice announcing that the vacancy(ies) to be filled by co-option and asking for expressions of interest. The notice will include:-

- A contact point so that people considering putting their names forward for co-option can obtain more information on the role of a parish councillors
- Contact details to where expressions of interest should be made (usually the Clerk, via email or hard copy)
- The closing date for all expressions of interest

### **3. Application Process**

3.1 When expressions of interest have been received, the Clerk will provide all applicants with the Eligibility information/criteria for return confirmation. (Electoral Commission – updated January 2019 . As such, they must sign the Declaration of Acceptance of Office and Declaration of Pecuniary Interests forms at their first meeting, or within 28 calendar days of election whichever is the sooner. The successful candidate(s) will also confirm that they will comply with and abide by the Parish Council's Code of Conduct.

3.2 After receipt of confirmation of Eligibility the Clerk will then confirm that, if successful, they would be willing to accept the Code of Conduct, incorporating the Nolan Principles of integrity in public office and any other obligations of a Parish Councillor.

3.3 All candidates will be asked to provide written evidence of experience, knowledge, ability, interests and circumstances, based on NALC Guidance L15-08. The candidates will be asked to attend at least one council meeting as an observer prior to any selection process. Any evidence submitted will be circulated to Parish Councillors in advance of a full meeting of the Council where the co-option will be considered. All such documents will be treated by the Clerk and Councillors as **strictly private and confidential**.

3.4 Candidates will be informed of the date of the meeting at which the Town Council will make its decision on the co-option. Notice of the Intention to Co-opt should be given in the agenda for the meeting of the Town Council.

3.5 Candidates will be invited to the meeting to introduce themselves by giving a 5 minute talk about themselves and to provide Councillors the opportunity to ask questions of them.

#### **4. Voting**

4.1 Only Councillors present at the meeting may vote upon a person to fill the vacancy. Councillors will have one vote per vacancy to be filled.

4.2 If a candidate is a relative of a Councillor(s) or has connections with any candidate which may be perceived as prejudicial, that Councillor(s) should declare an interest and withdraw from the meeting. Under any of these circumstances a vote by the Councillors concerned is not allowed. .

4.3 If there are exactly as many as, or fewer candidates than vacancies, the Parish Council may vote on a composite motion, duly proposed and seconded, that all candidates be co-opted. If there are more candidates than vacancies, it will be necessary for existing Councillors present at the meeting to vote.

4.4 If there are more candidates than vacancies, the successful candidate should have received an absolute majority vote of those present and voting. So if there is more than one candidate for one vacancy and none of them at the first count has an overall majority, the candidate with the fewest votes should be eliminated and the remainder put to the vote again. The process should be repeated as necessary until one candidate has an overall majority. ii) Each vacancy should be filled by a separate vote or series of votes. In a small council there is a distinct possibility that there could be a tie for last place in the first round of voting, leaving the candidate for elimination to be decided by the Chair) The Chair has the casting vote.

4.5 After the vote: The Clerk will notify the candidates of the results by email, as soon as is reasonably possible (usually within 24 hours) ii) Successfully co-opted candidates become Councillors in their own right, with immediate effect, and are no different to any other member. As such, they must sign the Declaration of Acceptance of Office and Declaration of Pecuniary Interests forms at their first meeting, or within 28 calendar days of election whichever is the sooner. The successful candidate(s) will also confirm that they will comply with and abide by the Parish Council's Code of Conduct. Should the new Councillor not comply with or breach the Code of Conduct, then the Monitoring Officer at NYC will be advised, who will then deal with the matter The successful candidate's term of office runs until the next quadrennial elections for the Town Council

Date.