



North Hykeham Town Council

Co-option Policy

Town Councillor Vacancies

1. Requirement

North Hykeham Town Council endeavors to fill any Councillor vacancy, as they arise, and will give public notice of vacancies at the earliest opportunity.

2. The Law

- Section 87(2) of the Local Government Act 1972 (LGA 1972) requires a Local Council to give public notice of casual vacancies.
- There is no statutory requirement to give public notice of Local Council vacancies which remain unfilled after an ordinary election (S. 21(2) Representation of the People Act 1985) – although considered good practice to do so.

Candidates:

- Need to meet the criteria for eligibility, set out in Section 79 of the Local Government Act 1972 and
- Not be disqualified, as set out in S.80 of the Local Government Act 1972.

3. Eligibility

To be a Town Councillor, a person is qualified to be co-opted as a local councillor if they are:

- at least 18 years old
- a British citizen, an eligible Commonwealth citizen or a citizen of any member state of the European Union

and meets at least one of the following four qualifications:

- a) The applicant is, and will continue to be, registered as a local government elector for the parish in which they wish to stand from the day of their co-option onwards.
- b) The applicant has occupied as owner or tenant any land or other premises in the parish area during the whole of the 12 months before the day of their co-option.
- c) The applicant's main or only place of work during the 12 months prior to the day of their co-option has been in the parish area.
- d) The applicant has lived in the parish area or within three miles of it during the whole of the 12 months before the day of their co-option.

Where a candidate only fulfills criteria (a) above and then subsequently comes off the register of electors, their qualification lapses. The other qualifications at points (b), (c), and (d) remain valid for the four-year term. Consequently, if a successful candidate leaves the parish, during the term, they are not required to resign, although it might be considered appropriate to do so.

4. Disqualification

Reasons include bankruptcy, being employed by or doing paid work for the Council (except as a contractor), a criminal conviction with a prison sentence of three months or more, illegal expenditure, or being found guilty of corrupt or illegal practices in election law.

5. Resignation

A Councillor may resign by giving written notice, addressed, and delivered to the Chair of the Town Council (LGA 1972 S.84). The Chairman must accept the resignation and there is no legal procedure for withdrawing a notice of resignation, once delivered and accepted. The Chairman gives written notice to the Council, via the Clerk.

Resignation takes effect, upon receipt, and cannot be post-dated (to a later date).

6. Other Reasons for a Vacancy Occurring

According to the Local Government Act 1972 s.87 a casual vacancy occurs when:

- A councillor fails to deliver his Declaration of Acceptance of Office at the proper time; or
- A councillor resigns; or
- A councillor dies; or
- In the case of a councillor who is disqualified by virtue of a criminal conviction, under section 34 of the Localism Act 2011 (England), the expiry of the period for making an application or appeal or, if any appeal or application has been made, the date that any such application or appeal process comes to an end; or
- On the date of a report or certificate of an election court that declares an election void; or
- A person ceases to be qualified to be a councillor for a reason not mentioned above; or
- A councillor fails to attend meetings for 6 consecutive months

7. Procedure for Filling Casual Vacancies

Where a vacancy arises as a result of:

- A Councillor resignation;
- Disqualification or failure to remain qualified;
- Death.

The process to fill the vacancy is as follows:

- a) The Town Clerk must make arrangements to notify the Returning Officer at North Kesteven District Council (NKDC) of the vacancy;

Then, either:

- b) NKDC will send the Council a notice to display informing the residents about the vacancy. The notice will run for 14 days (excluding weekends and bank holidays) from the date it is displayed on the Town Council notice boards, (and Council website, newsletter, as appropriate) giving residents the opportunity to call for an election to fill the vacancy, during this period.

Or:

- c) If the vacancy occurs within six months of the next scheduled elections, for the Town Council, there is no option to hold an election. The Town Council may fill the vacancy by co-option, or the seat remains vacant.

8. Calling a By-Election

During the 14-day period of public notice of the vacancy

- If 10 or more electors make a request, in writing, to the NK Returning Officer – then an election must be called (except if within 6 months of the scheduled election);

- The Returning Officer will:
- Within 60 days of the date of the vacancy notice, set a date for the election;
- Display notices announcing the election and explaining how to apply to be a candidate for election;
- Those nominated are elected
- Call a further election if there are not enough nominated candidates; Co-option is not an option.

9. A By-Election Is Not Called

If this occurs, the Returning Officer will notify the Town Council and the vacancy should be filled, by co-option as soon as practicable.

10. Vacancies after an Ordinary Town Council Election (Every 4 Years)

Where fewer valid nominations are received, for any ward with the Town Council boundaries, at the four yearly elections, all the valid nominees will be declared elected.

If following the election, enough Councillors are elected to form a quorum (e.g., 7 Councillors), the Town Council should seek to fill the remaining vacant seats, by co-option as soon as possible. Should the Council fail to fill the vacant seats within 35 days (excluding bank holidays and weekends) or there are not enough Councillors to form a quorum, then NKDC may order another election.

11. Co-option

The co-option process is not prescribed in law. However, examples of best practice are available from NALC (National Association of Local Councils), LALC (Lincolnshire Association of Local Councils) or NKDC

The Town Council will:

- Advertise all vacancies on their notice boards, on their website and via other publicity, as appropriate.
 - Include relevant details in the advert/notice (**see Appendix 1**) e.g., Town Clerk contact details, the eligibility criteria, closing date for all expressions of interest, the date on which the Town Council intends to make a decision, the ward for the vacancy
 - Candidates will be asked to supply a report stating their skills, background, and their reasons for wishing to serve on the Council along with any further information, they wish to give.
- The Council (or parishioner) can legally approach individuals to discuss the role as a Councillor and to suggest they may wish to consider putting their names forward for co-option.

12. Co-option Application Process

- The Town Clerk will review all applications received and check the applicants meet the qualification requirements and have supplied reasons for applying/background;
- These details will be circulated to serving Councillors before the meeting at which the decision will be made.
- Candidates will be informed of the date of the meeting at which the Council will make its decision on the co-option.

13. Co-option Meeting

Notice of the intention to co-opt will be shown as an agenda item for the Town Council meeting. Candidates will be invited to the meeting to introduce their self and to provide an opportunity for

Councillors to ask them questions. The Council also retains the right to only consider written submissions.

14. Co-option Voting Process

A successful candidate must have received an absolute majority vote of those present and voting (LGA 1972, Sch12, para 39). Guidance is provided in Arnold Baker on Local Council Administration 12th edition pg. 33-34

- Where there are fewer candidates than vacancies:
 - The Council may pass a motion, duly proposed and seconded, that all candidates be co-opted.

- Where there are more candidates than vacancies:
 - Councillors present at the meeting, will take a vote by means of a secret ballot;
 - If the number of candidates exceeds the number of vacancies, each vacancy must be filled by a separate vote or series of votes until the number of candidates match the number of vacancies.
 - If there are more than two candidates for one vacancy and not one of them at the first count receives a majority, the candidate with the least number of votes will be excluded and the remainder put to the vote again. The process should be repeated, as necessary, until one candidate has an overall majority;
 - If two candidates poll the same number of votes, a separate vote to eliminate one of them, will be held;

- Where there are equal number of candidates to vacancies:
 - If the number of candidates equals the number of vacancies, all the vacancies may be filled by a single composite resolution

15. After the Vote

- The Chair at the meeting at which the co-option has taken place will announce the results and successful candidates present at the meeting will be invited to join that meeting
- Successfully co-opted candidates become Councillors in their own right, and they must:
 - Sign a Declaration of Acceptance of Office before or at their first meeting, and
 - Complete and return a Register of Interests form within 28 calendar days of election, whichever is the sooner;
 - Be given a copy of the Council's Code of Conduct.
- If the successful candidate is not present at the meeting at which co-option occurs, the Town Clerk (as Proper Officer) will notify the candidates of the results by telephone and email, as soon as reasonably practicable. This is not the duty of any Elected Member.
- A co-opted Councillor's term of office runs until the next normal four yearly election for the Council.

16. Further Reading:

- National Association of Local Council's – Legal Topic Note (LTN) 8 'Elections and Co-option'
- Arnold-Baker on Local Council Administration – 12th Edition
- NALC – Legal Briefing L15-08 (May 2015)

Committee Co-Option

1. Requirement

North Hykeham Town Council, with the exception of Town Council, Finance & Policy Committee and any Sub Committee or Working Party of Finance & Policy, may co-opt a non-elected member onto a Committee, Sub Committee or Working Party because of a particular skill set or area of interest that assists in the management and operation of the Committee.

2. Committee Numbers

The number of non-elected members should not be more than one third of the Committee, Sub Committee or Working Party.

3. Length of Term

Dependent on the Committee business and the individual's area of expertise, this is usually on a short-term basis and/or reviewed on an annual basis in line with the Committees Councillors membership (in Standing Orders).

4. Voting Rights

Co-opted Committee members have the right to vote only on that Committee and only on non-financial matters. They have no authority to propose, second or vote on any financial matters.

5. Co-option Process

The Town Council can:

- Advertise a vacancy on their notice boards, on their website and via other publicity, as appropriate
Or
- Approach individuals within the Community who have that level of expertise or area of interest specific to the Committee, Sub Committee or Working Party.

Candidates will be asked to supply a report stating their skills, background, and their reasons for wishing to serve on the Committee, Sub Committee or Working Party along with any further information, they wish to give.

Once a candidate is deemed suitable the Chairman of the Committee can request approval from the Committee. All appointments to committees must be ratified by the Town Council.

6. Closed Sessions

Co-opted Committee, Sub Committee or Working Party members will be asked to leave for closed sessions.

Appendix 1



'Committed to Improving the Quality of Life in North Hykeham'

North Hykeham Town Council

Town Clerk: Mrs M Parker
Civic Offices, Fen Lane, North Hykeham, Lincoln LN6 8UZ
Tel: (01522) 681537
Email: townclerk@northhykehamtowncouncil.gov.uk

VACANCY FOR A COUNCILLOR – GRANGE WARD

Do you want to make a positive difference in your town?
Would you like to influence decisions that affect your community?
If you answered yes to those questions, then have you considered becoming a Town Councillor?

This is an exciting opportunity to help shape the area you live or work in. You need to be willing to give up some of your time for this role, but how much time depends on you – your commitment to working for your community without being paid. As a minimum, you will need to commit to meetings of the Town Council, which are held on the last Thursday of every month (excluding August).

There is currently a vacancy on the Town Council for Grange Ward and, having been through the prescribed procedure, no election has been requested. As a result, the vacancy will now be filled by the co-option process, with appointment of this vacancy being made at a meeting of the Town Council.

Unless otherwise disqualified, a person is qualified to be co-opted as a local councillor if they are over 18, and a qualifying Commonwealth citizen or a Euro national on the day of their selection **AND** during the last twelve months they have:

- Lived in the Town or within three miles of it **or**
- Been a local government elector in the area **or**
- Resided in the area, or occupied as an owner or tenant any land or other premises in that area; **or**
- Had their place of work, in that area.

A councillor's role can include responsibilities such as developing strategies and plans for the area, helping with problems and ideas, representing the community, working with other local community groups, decision making and reviewing decisions, as well as talking to the community about their needs and about what the council is doing.

If you are interested in your local community and would like further details for this vacancy, please contact the Town Clerk. Closing date for applications to be received is: -

Friday 18th February 2022

Mrs M Parker
Clerk to the Council
27th January 2023