



WHITEHAVEN TOWN COUNCIL CO-OPTION POLICY

This policy sets out the procedure to ensure there is compliance with legislation and continuity of procedures in the co-option of members to Whitehaven Town Council ("the Council"). The co-option procedure is entirely managed by the Council, and this policy will ensure that a fair and equitable process is carried out.

CO-OPTION

The co-option of a Town Councillor occurs in two instances:

1. When an ordinary vacancy has arisen on the Council after the ordinary elections held every four years;
2. When a casual vacancy has arisen on the Council and no poll (by-election) has been called.

Ordinary Vacancy

An ordinary vacancy occurs when there are insufficient candidates to fill all the seats on the Council at the ordinary elections held every four years. Any candidates who are nominated are automatically elected to the Council and any remaining vacancies are known as "ordinary vacancies". Provided there are enough Councillors to constitute a quorum, the Council is usually able to co-opt a volunteer to fill the vacancies. In some cases, the Borough Council (Copeland Borough Council) may intervene and make an appointment or order an election to fill the vacancies.

Casual Vacancy

A casual vacancy occurs when:

- A Councillor fails to make their declaration of office at the proper time;
- A Councillor resigns;
- A Councillor dies;
- A Councillor becomes disqualified; or
- A Councillor fails for six (6) months to attend meetings of a council committee or sub-committee or to attend as a representative of the council a meeting of an outside body.

The Council has to notify Copeland Borough Council of a casual vacancy and then advertise the vacancy and give electors for the ward the opportunity to request an election. This occurs when ten (10) electors write to Copeland Borough Council stating that an election is requested.

If a by-election is called, a polling station will be set up by Copeland Borough Council and the people of the ward will be asked to go to the polls to vote for candidates who will have put themselves forward by way of a nomination paper. The Council will pay the costs of the election. The people of the ward have fourteen days (not including weekends, bank holidays and other notable days), to claim the by-election, but Copeland Borough Council will advise the Clerk of the closing date.

If more than one candidate is then nominated a by-election takes place but if only one candidate is put forward, they are duly elected without a ballot.

If ten residents do not request a ballot within fourteen days of the vacancy notice being posted, as advised by Copeland Borough Council, the Council is able to co-opt a volunteer.

CONFIRMATION OF CO-OPTION

On receipt of written confirmation from Copeland Borough Council that no by-election has been claimed, the casual vacancy can be filled by means of co-option. The Clerk will:

- Advertise the vacancy for fourteen days or such a period as the Council may agree at the Council offices and on the Council website;
- Advise Copeland Borough Council that the co-option policy has been instigated.

This procedure will also apply in the case of an ordinary vacancy where Copeland Borough Council has confirmed that there were insufficient nominations to fill all the seats but there are sufficient parish councillors elected to constitute a quorum.

ELIGIBILITY OF CANDIDATES

The Council is able to consider any person to fill a vacancy provided that:

- he/she is 18 or over; and
- he/she is a British Citizen, a qualifying Commonwealth citizen or a citizen of any other member state of the European Union;

and at least one of the following apply:

- he/she is an elector for the Parish of Whitehaven and continues to be an elector; or
- has resided in the Parish of Whitehaven for the past twelve (12) months or rented/tenanted land in the Parish; or
- has had his/her principal or only place of work in the Parish of Whitehaven for the past twelve (12) months; or
- has lived within three miles of the Parish of Whitehaven for the past twelve (12) months.

There are certain disqualifications for being a councillor, of which the main are (see s80 of the Local Government Act 1972):

- holding a paid office or employment under the Council;
- bankruptcy;
- 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 preceding five years; or
- being disqualified under any enactment relating to corrupt or illegal electoral practises.

APPLICATIONS

Candidates will be requested to:

- Submit information about themselves, by way of completing a short application form (a copy of the form is attached at Appendix A);
- Confirm their eligibility for the position of councillor within the statutory rules, (a copy of the eligibility form is attached at Appendix B).

Following receipt of applications, the next suitable 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. Eligible candidates will be invited to attend the meeting.

Copies of the eligible candidates' application will be circulated to all councillors by the 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 Clerk and all councillors as strictly private and confidential.

AT THE CO-OPTION MEETING

At the co-option meeting, candidates will be given five minutes maximum to introduce themselves to the councillors, give information on their background and experience and explain why they wish to become a member of the Council. The process will be carried out in the public session and there will be no private discussions between members prior to a vote being taken. However, where the Council is discussing the merits of candidates and inevitably their personal attributes, this could be prejudicial, and the Council should resolve to exclude the members of the press and public.

As soon as all candidates have finished giving their submissions, the Council will proceed to a vote with each candidate being proposed and seconded by the councillors in attendance (as defined in the Standing Orders) and a vote by a show of hands (LGA 1972 Sch. 12. Para 13).

A recorded vote may be requested under Standing Order 9 so as to show whether each councillor present and voting, gave his/her vote for or against the process.

In order for the candidate to be co-opted to the 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.

If present, a candidate who is co-opted will sign at the co-option meeting a Declaration of Acceptance of Office, including an undertaking to abide by the Council's code of conduct, and may take office thereafter. If not present, a co-opted candidate will sign the Declaration of Office either before or at the next meeting of the Council.

The Clerk will notify Copeland Borough Council of the co-option of a new councillor.

The co-opted councillor will complete a Notification of Disclosable Pecuniary and Other Interests form which the Clerk will lodge with the Monitoring Officer at Copeland Borough Council within 28 days of the co-option.

If insufficient candidates are co-opted, the process should continue, whereby the vacancies are again advertised.