

### **Introduction**

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

#### **1. Co-option:**

The Co-option of a Town Councillor occurs when a casual vacancy has arisen on the Council and no election is called for that vacancy. Within the last 6 months of a 4 year term no election can be called for that vacancy.

A casual vacancy occurs 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; or
- A Councillor fails for six (6) months to attend meetings of a Council committee or subcommittee or to attend as a representative of the Council at a meeting of an outside body.

#### **2. The Process of determining if a co-option is permissible**

- a) STC Clerk has to notify North Norfolk District Council (NNDC) of a Casual Vacancy and then advertise the vacancy and if more than 6 months from the end of a 4 year term give electors the opportunity to request an election. This occurs when ten electors write to NNDC stating that an election is requested.
- b) If a by-election is called, a polling station will be set up by NNDC and the people of the parish will be asked to go to the polls to vote for candidates who will have put themselves forward by way of a nomination paper. STC will pay the costs of the election. The people of Sheringham Parish (the Parish) have fourteen days (not including weekends, bank holidays and other notable days), to claim the by-election, but the Electoral Officer of NNDC will advise the STC Clerk of the closing date.
- c) 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 NNDC, STC is able to co-opt a Councillor.

### **3. Confirmation of Co-option and the Process of Co-option:**

On receipt, of written confirmation from the Electoral Services Office of NNDC the casual vacancy can then be filled by means of co-option The STC Clerk will:

- a) Advertise the vacancy for four weeks on the STC notice boards, STC website and Fb page and in any other appropriate publications distributed within the whole of Sheringham. At least 14 days notice will be given to notify the STC Clerk of an interest of being co-opted to Sheringham Town Council.
- b) Advise STC that the Co-option Policy has been instigated. *NOTE: STC is not obliged 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.*

*However, it is not desirable that electors in a particular ward be left partially or fully underrepresented for a significant length of time. Neither does it contribute to effective and efficient working of the Council if there are insufficient councillors to share the workload; equitably; to provide a broad cross-section of skills and interests; or to achieve meeting quorums without difficulty. Councillors elected by co-option are full members of STC.*

### **4. Eligibility of Candidates:**

STC is able to consider any person who has a qualifying citizenship and has attained the age of 18 years to fill a vacancy provided that:

- They are an elector for the Parish; or
- has resided in the Parish for the past twelve months or occupied as owner or tenant any land or other premises in the Parish; or
- Has their principal place of work in the Parish; or
- has lived for the past twelve months within three miles of the Parish.

There are certain disqualifications for election of which in brief the main are (see Section 80 of the Local Government Act 1972):

- holding a paid office under the local authority;
- 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 five years preceding the election or co-option; and
- being disqualified under any enactment relating to corrupt or illegal practices.

Candidates found to be offering inducements of any kind will be disqualified.

### 5. **Applications:**

Members may point out the vacancies and the process to any qualifying candidate(s).

All application forms will be available at the STC offices and on the website.

Although there is no Statutory Requirement to do so, candidates will be requested to:

- Submit information about themselves, by way of completing a short application form. (Appendix A)
- Return the Application Form to the STC Clerk by email or delivery by 12 o'clock midday to the STC Town Hall (10) working days prior to the Co-option Meeting of the Sheringham Town Council. (Appendix A)
- Confirm their eligibility for the position of Councillor within the Statutory Rules using the Eligibility Form. (Appendix B).
- Return the Eligibility Form to the Clerk by email or delivery by 12 o'clock midday to the Town Council offices (10) working days prior to the Co-option Meeting of the Sheringham Town Council. (Appendix B)
- Other than the forms supplied by the STC Clerk, no applicant should submit any other paperwork supporting their application and they should not lobby any individual Councillor. A breach of this rule could result in the candidate being excluded from the list of candidates.
- Copies of the candidate's applications 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. Under the GDPR rules all paperwork will be returned to the Clerk for storage or destruction as is deemed appropriate according to the GDPR policy.

### 6. **Arranging the Co-option Meeting:**

Following receipt of applications;

- The next suitable STC Meeting will have an Agenda Item 'To receive written applications and hear the presentations of members of the public applying for the office of Town Councillor and if one is considered suitable to Co-opt a candidate to fill the existing vacancy'.
- The STC Clerk will give the Statutory Notice of the Co-option Meeting to both Sheringham Town Councillors and all candidates. The Meeting will be held on a similar day of the week and time of a Sheringham Town Council Meeting.
- Prior to the Meeting the Co-option Task and Finish Group will meet to draw up a list of agreed questions to be asked of all the candidates. No supplementary questions can be asked.
- 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 STC Code of Conduct, Standing Orders, Financial Regulations, the Co-option Policy, the Town Plan (if in existence) and any other documents deemed relevant by the STC Clerk to STC current activities. Candidates will also be informed that they will be invited to speak for up to 5 minutes about their application at the Meeting.

### **7. 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 Councillor of STC . They will then be given up to 10 minutes to answer the pre- prepared questions.
- All questions will be asked by the Mayor and answered directly to the Mayor or whoever is responsible for Chairing the Co-option Meeting. There will be no supplementary questions.
- During the presentations and question session Councillors should take account of the person specification and consider how well the candidate matches these specifications. (Appendix C)

### **8.Voting:**

- As soon as all candidates have given their presentations and answered the questions, the Councillors will proceed to a vote on the acceptability of each candidate and will not discuss any individual presentations.
- All voting will be by ballot papers listing all the candidates, previously prepared by the STC Clerk. Voting will be by signed ballot.

- The first vote will be whether to continue the Co-option Process. If the majority of Councillors feel there are no suitable candidates the Co-option Process will terminate.
- If there is more than one vacancy then each vacancy on STC will be voted on in turn.
- The voting will be by exhaustive ballot until one candidate gets 50% of the vote plus one. (See Notes of exhaustive ballot below)
- If insufficient candidates come forward for co-option, or none suitable apply, the process should continue, whereby the vacancies are again advertised.
- Once the final result is declared, the actual details of the vote will remain confidential and the candidates will only be informed of who has been co-opted.

### **9. After Co-option**

- After the votes have been concluded, the Mayor or Chairman of the Meeting will declare the successful candidate(s) duly elected and after signing their Declaration of Acceptance of Office, the newly co-opted Councillor may take their seat immediately.
- The STC Clerk will notify NNDC Electoral Services of the new Councillor(s) appointment. The successful candidate(s) must complete the 'Registration of Interests' within 28 days of becoming a Councillor. The form should be handed to the STC Clerk for forwarding to the NNDC Monitoring Officer.

*NOTE: Exhaustive Ballot.*

*a) All Councillors will cast a vote for a single candidate. If any candidate gets more than 50% of the votes plus one, they are deemed elected.*

*b) If no candidate gets 50% of the vote plus 1, the lowest candidate drops out and the ballot is taken again. If a candidate(s) get no votes they drop out together with the candidate with the lowest number of votes.*

*c) If more than one candidate gets the equal number of votes, there is a ballot of these candidates to determine who drops out.*

*d) If all the remaining candidates have the same number of votes and there are more than two candidates then there is a ballot to determine who is eliminated.*

*e) If there is a tie between the last two candidates, all the Councillors will vote again to confirm the result. This gives a Councillor a chance to change their mind or if a Councillor has abstained the opportunity to vote. If there is still a tie the candidate who got the most votes in the first round is elected. If this is still not determined then the number of votes in the second round will be considered etc.....*

For Appendix c see below

**APPENDIX C**

**CO-OPTED COUNCILLOR PERSON SPECIFICATION**

COMPETENCY	ESSENTIAL	DESIRABLE
Personal Attributes	<ul style="list-style-type: none"> <li>• Sound knowledge and understanding of local affairs and the local community.</li> <li>• Forward Thinking</li> </ul>	<ul style="list-style-type: none"> <li>• Can bring a new skill, expertise or key local knowledge to the Council.</li> </ul>
Experience, Skills, Knowledge and Ability	<ul style="list-style-type: none"> <li>• Ability to listen constructively</li> <li>• A good team player</li> <li>• Ability to pick up and run with a variety of projects Solid Interest in local matters</li> <li>• Ability and willingness to represent the Council and their community</li> <li>• Good interpersonal skills and able to contribute opinions at meetings whilst willing to see others views and accept majority decisions.</li> <li>• Ability to communicate succinctly and clearly.</li> <li>• Ability and willingness to work closely with other members and to maintain good working relationships with all members and staff.</li> <li>• Ability and willingness to work with the Council's partners (e.g. voluntary groups, other parish Councils, principal authority, charities).</li> <li>• Ability and willingness to undertake induction training and other relevant training.</li> </ul>	<ul style="list-style-type: none"> <li>• Experience of working or being a member in a local authority or other public body</li> <li>• Experience of working with voluntary and or local community / interest groups</li> <li>• Basic knowledge of legal issues relating to town and parish Councils or local authorities</li> <li>• Experience of delivering presentations</li> </ul>
Circumstances	<ul style="list-style-type: none"> <li>• Ability and willingness to attend meetings of the Council (or meetings of other local authorities and local bodies) at any time and events in the evening and at weekends.</li> </ul>	