



MALTON TOWN COUNCIL

CO-OPTION POLICY

This policy outlines the procedure to be followed by Malton Town Council when a casual vacancy arises by virtue of Councillor resignation, disqualification, or death.

The Electoral Services Department at the Principal Authority will be informed of the vacancy as soon as practicable after it arises.

The Council will follow the relevant legislation to allow ten electors to claim a by-election. Assuming there is no call for a by-election the Council will fill the vacancy by co-option using the following procedure:

1. A notice will be erected in the Council notice board, on social media and the Council website inviting people who are interested in being a Councillor to complete an application form. If insufficient candidates come forward for co-option, the vacancies will be re-advertised.
2. The notice advertising the vacancy will contain a closing date for receipt of applications.
3. Upon receipt, the Council will check (as far as reasonably possible) that candidates are eligible in accordance with the Local Government Act 1972, section 79. To be eligible, the candidate must:
 - be 18 years old or over; and
 - is an elector for the parish; or
 - has resided in the parish for the past twelve months or rented/tenanted land in the parish; or
 - had his/her principal place of work in the parish; or
 - has lived within three miles (direct) of the parish.and not disqualified from being a Councillor by virtue of section 80 of the Local Government Act 1972, Part 2 of the Sexual Offences Act 2003 and Local Government (Disqualification) Act 2022, or a Criminal Conviction, Section 34 of the Localism Act 2011.
4. Following receipt of applications, the next suitable Council meeting will have an agenda item 'To receive written applications for the office of parish Councillor and to co-opt a candidate to fill the existing vacancy'.

It is important to remember that the process must be transparent, fair and equitable. How the Council resolves to manage this process should be detailed here; for example:

5. Applications must be received at least seven days prior to a Full Council meeting as copies of the candidates' applications will be circulated to all Councillors by the Town Clerk, at least five 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 Town Clerk and all Councillors as Strictly Private and Confidential. 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 Code of Conduct, Standing Orders and Financial Regulations of the Town Council, and this Co-option Policy.
6. The Council will consider all applications at a Full Council meeting and resolve to co-opt the most suitable candidate. All those who have submitted an application will be invited to attend a Town Council meeting to answer any questions that Members may have with regard to their application prior to resolving to co-opt the most suitable candidate.

NOTE:

The Council needs to be aware of the need for confidentiality in part of the co-option process. In the opinion of YLCA the part where candidates speak to the meeting is not prejudicial to the public interest, however where the Council is discussing the merits of candidates and inevitably their personal attributes etc, this could be prejudicial and so for this part of the process, we advise the Council to exclude members of the press and public (Public Bodies (Admission to Meetings) Act 1960). The Councillors must vote in the normal way, i.e. proposer, seconder, and vote by show of hands. Difficult though it may be because co-option is a very local issue, this part of the process is not prejudicial to the public interest and the public should be present for it.

7. Decisions of a local Council are normally made on a simple majority vote. The only occasion where this differs is in the co-option process. Where the Council has more than two applicants for one vacancy it will ensure that the successful applicant receives an absolute majority of the votes cast. The difference is that the person elected receives more votes than the others added together.
8. Where there is one candidate for one seat or any situation where the number of candidates is equal to the seats available, the Council must appoint the candidates as long as they are qualified to hold public office under Section 79 of the Local Government Act 1972 and are not disqualified as summarised at point 3.
9. The decision of Full Council is final, there is no appeal procedure
10. The successful candidate will sign a Declaration of Acceptance of Office before they can act as a parish Councillor.
11. The clerk will provide the new Councillor with the Council's adopted Code of Conduct.
12. The clerk will provide the new Councillor with the Council's Councillor induction pack.

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