

PENISTONE TOWN COUNCIL CO-OPTION POLICY

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

Electoral services at the Principal Authority to be informed of the vacancy; 14 days-notice to electors to call a poll must be provided. Assuming there is no call for a bye-election the council will fill the vacancy by co-option using the following procedure:

1. A notice is erected in a conspicuous place in the Town inviting people who are interested in being a town councillor to write to the council/complete an application.
2. The notice advertising the vacancy will contain a closing date for receipt of applications.
3. Upon receipt, the council must check (as far as reasonably possible, using the YLCA eligibility checklist) that candidates are eligible in accordance with the Local Government Act 1972, section 79.
In order 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.
4. 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'.
5. The council will request all those submitting an application to attend a town council meeting and provide a short 5 minute presentation as to their suitability as a town councillor, prior to resolving to co-opt the most suitable candidate.

At this stage of the co-option process, where candidates speak in the meeting this 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, the council will exclude members of the press and public. Once this discussion is concluded, members of the press and public should be recalled to the meeting. The councillors will vote in the normal way, i.e. proposer, seconder and vote by show of hands. This part of the process is not prejudicial to the public interest and the public (including candidates) should be present for it. The candidates may wish to leave the meeting at the meeting during the vote but the council cannot insist on this.

6. 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. If the council has more than two applicants for one vacancy it will ensure that the successful applicant receives not just a majority of the votes cast, but an **absolute majority**. The difference is that the person elected receives more votes than the others added together
7. The successful candidate will sign a Declaration of Acceptance of Office before he/she can act as a town councillor (2012 model).

8. The clerk will provide the new councillor with the council's code of conduct
9. The clerk will provide the new councillor with the council's councillor induction pack

Approved and adopted via Full Council: 22nd March 2021

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