



NANTWICH TOWN COUNCIL

CO-OPTION POLICY

Approved: 20th April 2023

Version: 1

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1. 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 Nantwich Town 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.

The co-option of a town councillor occurs in two instances:

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

The Council is composed of two/three wards: North & West Ward, South Ward as at January 2023, and North, West and South Ward from 1 April 2023.

2. ORDINARY VACANCY

An ordinary vacancy occurs when there are insufficient candidates to fill all the seats on a Parish/Town Council at the ordinary elections held every four years. Any candidates who were nominated are automatically elected to the Parish/Town Council and any remaining vacancies are known as “ordinary vacancies”. Provided there are enough parish councillors to constitute a quorum, the Parish/Town Council is usually able to co-opt a volunteer to fill the vacancies.

3. CASUAL VACANCY

A casual vacancy occurs when:

- A councillor fails to make his declaration of acceptance of office at the proper time,
- A councillor resigns,
- A councillor dies,
- A councillor becomes disqualified,
- 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 (special dispensation can be awarded to members if resolved by Full Council).

A Parish/Town Council has to notify the Borough/District 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 the Borough/District Council stating that an election is requested.

If a by-election is called, a polling station will be set up by Cheshire East 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. Nantwich Town 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 the Electoral Services Office of Cheshire East Council will advise the Clerk of the closing date.



If more than one (1) candidate is then nominated, a by-election takes place but if only one (1) candidate is put forward they are duly elected without a ballot.

If ten (10) residents do not request a ballot within fourteen (14) days of the vacancy notice being posted, as advised by the Electoral Services Office, the Town Council is able to co-opt a volunteer.

4. CONFIRMATION OF CO-OPTION

On receipt of written confirmation from the Electoral Services Office 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 four weeks or such other period as the Town Council may agree on the Town Council notice boards and website,
- Advise Cheshire East Council that the co-option policy has been instigated.

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

Nantwich Town Council 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 some significant lengths 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 Nantwich Town Council.

5. ELIGIBILITY OF CANDIDATES

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

- He/she is 18 or over,
- 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 and continues to be an elector,
- Or has resided in the Parish for the past twelve months or rented/tenanted land in the Parish,
- Or has had his/her principal or only place of work in the Parish for the past twelve months,
- Or has lived within three miles of the Parish for the past twelve months.



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

- Holding a paid office or employment under the Parish 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,
- Being disqualified under any enactment relating to corrupt or illegal electoral practices.

6. APPLICATIONS

Candidates will be requested to:

- Submit information about themselves, by way of completing a short application form
- Confirm their eligibility for the position of parish councillor within the statutory rules.

Following receipt of applications, the next suitable Full 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' applications will be circulated to all town 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 town councillors as strictly private and confidential.

7. CO-OPTION

7.1 Candidates do not exceed the number of vacant seats.

Where the number of applicants does not exceed the number of vacant seats, each applicant in turn must be proposed and seconded by a member and then must receive a majority of those present and voting in order to be co-opted. If there is only one vacancy, a Councillor may only nominate or second one candidate. One candidate needs to receive an absolute majority of votes.



7.2 Candidates exceed the number of vacant seats.

Where there are more applicants than vacant seats, each applicant will be invited to attend the Council meeting where co-option of applicants is listed on the agenda. At the Full Council meeting, candidates will be given five minutes maximum to introduce themselves to the town councillors (members), give information on their background and experience and explain why they wish to become a member of the Town Council. Where an applicant is unable to attend in person, the written personal statement will be considered. The process will be carried out in the public session, but the Council reserves the right to give the opportunity for candidates to give their presentation to the Council without the other candidates present, to offer fairness and equal opportunity to all candidates. There will be no private discussions between members prior to a vote being taken. However, where the Town Council is discussing the merits of candidates and inevitably their personal attributes, this could be prejudicial, and the Town Council should resolve to exclude the members of the press and public.

In order to be considered for co-option each candidate must be proposed and seconded by a member. Each member may propose or second no more candidates than the number of vacant seats. Following the candidate presentations/addresses, members will proceed to a vote in the form of a paper ballot to prevent candidates being disadvantaged by the order of their consideration. In the event of a candidate being related to a Councillor, then the Councillor would be expected to declare an interest and request a dispensation to speak and vote.

In order for a candidate to be co-opted to the Town 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. The Clerk will collect the ballots, record the voting numbers on the ballot record sheet (for each round of voting).

Further rounds of voting will then take place with the process repeated until a candidate has an absolute majority. In the event of a tied ballot, the Mayor has the casting vote.

The ballot(s) will be counted by the Town Clerk, being observed by the Deputy Town Clerk (or other duly appropriate officer if they are unavailable). If there is more than one (1) vacancy, then each vacancy must be filled by a separate vote or series of votes.

If present, a candidate who is co-opted will sign a Declaration of Acceptance of Office, including an undertaking to abide by the Town Council's Code of Conduct, and may take office thereafter. The new Member should have received an agenda however, the fact that they have not received a summons does not make their attendance as a Councillor illegal. (Local Government Act 1972 Sch 12, para 10(3)).



Where appropriate they will also be appointed to any Council Committee. If an absent candidate is successful, members must agree to the signing the declaration of acceptance of office before or at the very start of the next meeting. New Councillors will also be made aware of the fact that Interests Forms will need to be completed within 28 days of co-option.

The Clerk will notify Cheshire East Council Electoral Services Office of the co-option of the new town councillor.

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



VERSION CONTROL

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