Fakenham Town Council

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Co-option Policy

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1. Introduction

This policy sets out the procedure to ensure that there is compliance with legislation and continuity of procedures in the co-option of councillors to Fakenham Town Council. The co-option procedure is entirely managed by Fakenham Town Council and this policy will ensure that the process is fair and equitable.

According to Section 87 of the Local Government Act 1972 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 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 Town Council must notify North Norfolk District Council of a Casual Vacancy and then advertise the vacancy and give electors the opportunity to request an election. This occurs when ten electors write to North Norfolk District Council stating that an election is requested. If an election is called and 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.

2. Confirmation of Co-option

On receipt of written confirmation from the District Council that the casual vacancy can be filled by means of co-option, the Clerk will advertise the vacancy on the website, Facebook page and notice boards. Councillors are also encouraged to approach anyone who meets the criteria below.

3. Eligibility of Candidates

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

- They are over 18
- They are an elector for the parish or,
- has resided in the parish for the past twelve months or rented/tenanted land or other premises in the parish or,
- had their principal place of work in the parish, or
- has lived within three miles (direct) of the parish.

There are certain disqualifications for election, of which the main ones are:

- 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;
- being disqualified under any enactment relating to corrupt or illegal practices.

4. Co-option Process

Candidates will be requested to submit information about themselves at least three working days before the next meeting of Full Council. This information will be circulated by the Clerk to Councillors, and an item to co-opt a Councillor will be placed on the agenda of the meeting.
All such documents will be treated by the Clerk and Councillors as strictly private and confidential. Candidates will be interviewed in person at the meeting. If there is more than one candidate, the others may be asked to leave the room whilst a candidate is being interviewed.

Fakenham Town Council has adopted to vote in closed session in the co-option of a new councillor, to protect members from potential intimidation or coercion. There is also mutual benefit to respect the personal sensibilities of councillors and candidates involved in the preferential selection of persons known to each other and living within the same community.

A successful candidate must have received an absolute majority vote (over 50%) of those present and voting (Local Government Act 1972, Sch 12 para 39). It follows therefore that where there are more than two candidates for one vacancy, the first vote may not give one candidate a majority of all the votes cast. In this case, the candidate(s) with the lowest number of votes should be eliminated and a vote taken again until one candidate has a majority of all the votes cast

No co-option may take place outside of a Full Council meeting.

Council is not obliged to select any of the candidates who apply.

5. Acceptance of Office

The Successful candidate(s) must sign their declaration of Acceptance of Office before they can act as a councillor. The Register of Interest must be completed within 28 days and the Clerk will provide a copy of the form to the newly elected Councillor. Once the form has been completed, the Clerk will send this to the Monitoring Officer at North Norfolk District Council.

Newly appointed Councillors will receive a welcome pack, comprising of IT details including their council email address, meeting date information and policies including the Code of Conduct, Standing Orders and Financial Regulations.

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