

## **Policy**

Co-option

## **Purpose**

To allow the council to undertake the co-option of a councillor.

## **Policy and legal context**

This policy is applicable if the council does not fill all 14 seats at an ordinary election or if 10 electors fail to call for a by-election following a casual vacancy.

If a casual vacancy occurs within six months of an election, there is no requirement to co-opt a councillor.

The policy seeks to balance openness and sensitivity and give the electorate confidence in the impartiality and objectiveness of the co-option process.

The policy is informed by the Local Government Act 1972<sup>1</sup>, Arnold-Baker on Local Council Administration<sup>2</sup>, and a legal topic note from the National Association of Local Councils<sup>3</sup>.

## **Supporting procedure**

The supporting procedure is attached.

**Implementation date:** 16 December 2021

**Review date:** December 2024

John Wright  
Town clerk  
December 2021

---

<sup>1</sup> Local Government Act 1972, s 83(4)

<sup>2</sup> Arnold-Baker on Local Council Administration 9<sup>th</sup> edition, p 51-51, Voting in council on casual vacancies, 6.15. 'A successful candidate must receive an absolute majority vote of those present and voting. It follows that if there are more than two candidates for one vacancy and no one of them at the first count receives a majority over the aggregate votes given to the rest, steps must be taken to strike off the candidate with the least number of votes and the remainder must then be put to the vote again; this process must, if necessary, be repeated again until an absolute majority is obtained.

This will mostly be a satisfactory procedure, but if several candidates have obtained the same number of least votes and the aggregate of the others is less than a normal quorum (eg 3:2:2:2:2) it may be wise not to strike off all those with the least number of votes together but, if negotiations for withdrawals fail, to strike them off one by one, in an order determined by vote.'

<sup>3</sup> NALC Legal Topic Note (LTN) 8 June 2020. Decisions made by a local council about whether or not to co-opt when vacancies remain unfilled after an ordinary election and who to co-opt when any casual vacancy arises should be transparent. In NALC's view it would be difficult for a local council to argue that there are special reasons which justify excluding the public during a council meeting when it is making decisions about a matter of public interest such as co-option. Decisions about co-option which are made at council meetings when the public have been excluded will not eliminate the need for a council to explain, for example to unsuccessful candidates, the reasons for its decisions. Registration of interests 29.