

South Woodham Ferrers Town Council

Co-option Procedure 2025

1. In the event of a casual vacancy (see below for reasons for a casual vacancy occurring) being deemed to have occurred on the Town Council, the Town Clerk will declare that such a vacancy exists without recourse to a meeting of the Town Council.
2. The Town Clerk will notify the Electoral Services at Chelmsford City Council and will publicly display a Notice of Vacancy. In the case of a casual vacancy occurring due to death, the notice may be delayed for a respectful period.
3. If a casual vacancy arises within 6 months of the day when the Councillor whose office is declared vacant would ordinarily have retired, then no bye-election may be demanded. As the Town Council is permitted to either advertise the vacancy for co-option or to leave the office vacant until the date of the next ordinary election, the Town Council will be asked at its next suitable meeting which option it wishes to pursue.
4. If, in the period of time required by legislation following the publication of the Notice of Vacancy (at present 14 working days) the Returning Officer at the City Council receives 10 letters from electors claiming a bye-election, the election process will commence and a bye-election will take place 60 days of the notice of vacancy. The City Council will make all the necessary arrangements for such a bye-election.
5. If the Returning Officer does not receive ten letters from electors calling for an election to be held, then the co-option procedure will commence with step 6.
6. It is required that the vacancy be filled as soon as practicable after the expiry of the notice period in step 4 above and the Town Clerk will normally invoke this procedure without further recourse to a meeting of the Town Council.
7. The vacancy to be filled by co-option will be advertised on the Town Council's noticeboards, website and social media within 21 days of the end of the time for the notice period in step 4. The co-option advertisement notice will give interested parties 14 working days to notify the Town Council that they wish to be considered for co-option.
8. All candidates will be expected to put their request for consideration in writing with a summary about themselves, which may include: reasons for wishing to be a councillor; previous community or council work; any other skills they can bring to the Council; their interests and recent career history. Redacted statements will be provided with the Town Council agenda. All candidates must also confirm their eligibility for the position within the statutory rules outlined in the Co-option Application Form.

9. Candidates found to be offering inducements of any kind to members or officers of the Town Council will be disqualified.
10. Applications for co-option will be considered by the next suitable meeting of the Town Council, following the expiry of the co-option advertisement notice.
11. Candidates will be expected to make every effort to attend the meeting at which the Town Council proposes to appoint the co-opted member.
12. Discussion about the applications will take place in Council session without intervention from the candidates or public.
13. A vote will then be taken and all candidates will be considered.
14. If there is more than one candidate, the candidate with the least number of votes cast will be deleted and the vote taken again until the number of candidates equals the number of vacancies. The successful candidate(s) must have received an absolute majority vote of those present and voting.
15. The Town Council reserves the right not to make a co-option.
16. Candidates will be furnished with a full agenda of the meeting at which they are to be considered for appointment. The successful candidate(s) will be appointed and sign their Declaration of Acceptance of Office and can act as a Councillor in line with the normal election procedures.
17. The Register of Member's Interest will then be completed within 28 days and a copy provided to the Monitoring Officer at Chelmsford City Council. The newly appointed Councillor will be provided with an induction pack to include the Code of Conduct, Standing Orders and Financial Regulations of the Council.

Reasons for a casual vacancy:

- a) When a councillor fails to make the declaration of acceptance of office within the proper time
- b) When a notice of resignation is received
- c) On the day of his/her death
- d) In the case of disqualification under the Audit Commission Act 1998 or under the Local Government Act 2000 s79 or by virtue of a conviction on the day when either the time for appeal or application for relief expires, or such appeal or application is dismissed or abandoned
- e) In the case of an election being declared void, upon the date of the report or certificate of the election court
- f) Where a person ceases to be qualified, or becomes disqualified for any reason other than conviction or order, or is persistently absent from meetings, upon the date when the office is declared vacant by the High Court or Council as the case may be

Date effective from: 18 March 2025

Review date: March 2027