

## 1 INTRODUCTION

1.1 This Co-option Policy is to ensure that there is compliance with legislation. It sets out the procedures for the co-option of members to Woughton Community Council ('the council') to fill a casual vacancy. It will also be used when co-opting to fill a vacancy left unfilled at an election.

1.2 A casual vacancy occurs when:

- A councillor fails to make their declaration of acceptance of office within the proper time. This must be done before or at the first meeting of the council, unless the council permits otherwise
- A councillor resigns
- A councillor becomes deceased
- A councillor becomes disqualified
- An election being declared void
- A councillor ceases to be qualified. This includes failure 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 unless for reasons approved by Council.

1.3 It is noted that for a council to be eligible to use the General Power of Competence from 5th May 2022 the council must have at least two thirds of councillors elected or elected unopposed (i.e., not co-opted).

## 2 THE POLICY

2.1 The Council will notify Milton Keynes City Council of a Casual Vacancy. Then the council will declare and advertise the vacancy and give electors the opportunity to request an election. This occurs if ten electors from the ward write requesting an election. If 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.

2.2 If an election is not requested, then the council is able to co-opt.

2.3 The council will issue a public notice of intent to fill vacancies by co-option.

## 3 ELIGIBILITY

3.1 To be eligible to become a Councillor, individuals must –

- Be over 18 of age and is a UK, eligible Commonwealth citizen<sup>1</sup>, a citizen of any member state of the European Union, or a qualifying foreign citizen<sup>2</sup>,

---

1 An eligible Commonwealth citizen is a Commonwealth citizen who either: does not need leave to enter or remain in the United Kingdom or has indefinite leave to remain in the United Kingdom.

2 A qualifying foreign citizen is a person who is not a Commonwealth Citizen or a citizen of the Republic of Ireland, AND who has or does not require leave to remain or is treated as having leave to

- AND meet one of the following conditions,

- ✓ are registered as a local government elector for the community in which they wish to stand from the day of their nomination onwards
- ✓ have occupied as owner or tenant any land or other premises in the community area during the whole of the 12 months before the day of your nomination and the day of election
- ✓ their main or only place of work during the 12 months prior to the day of your nomination and the day of election has been in the community area
- ✓ they have lived in the community area or within three miles of it during the whole of the 12 months before the day of your nomination and the day of election.

3.2 A person is disqualified from being a Councillor if:

- They have within 5 years before served a prison sentence (including suspended sentences) of three months
- They are the subject of a bankruptcy restrictions order or interim order
- They are an employee or holds paid office of the Council
- They have within 3 years been disqualified under the Representation of the People Act 1983 (which covers corrupt or illegal electoral practices)
- They are subject to the notification requirements of or under Part 2 of the Sexual Offences Act 2003

#### **4 APPLICATIONS**

4.1 Applicants for co-option will be asked to submit information about themselves by completing a short application form (Appendix 1) and submitting a personal statement of no more than 300 words.

4.2 Copies of the application forms and personal statements will be circulated to all Members for consideration at a meeting of the council. At the meeting of the council, consideration of applications will be dealt with in public session.

4.3 Applications may be withdrawn up to the time of voting for co-option.

#### **5 VOTING PROCESS**

5.1 Please note that the requirements of the Members' code of conduct apply in this case and therefore if a councillor lives with a candidate or has a close personal association (family, friend or business relationship etc.) with one or more of the candidates he/she must disclose that interest and if it is prejudicial should withdraw from the meeting room and not vote.

5.2 If only one candidate applies to be co-opted then the council will resolve that candidate is to be co-opted unopposed should a majority of councillors vote to do so'.

5.3 If there is more than one ward with a vacancy the order the wards will be considered will be determined by lots.

5.4 If there is more than one candidate in a ward being considered, the candidates will draw lots to see who speaks first to the Council.

5.5 Each candidate will be invited to speak to the Council in the order of the draw (or speak again if they want to, if the opportunity exists for consideration for another ward). Any remaining candidates will be asked to leave the room whilst others are addressing the council.

5.6 Any questions to the candidates should take no more than 5 minutes and the Clerk will control this time. Standard questions to the candidates are encouraged if questioning takes place.

5.7 Voting will follow the statutory requirement that a successful candidate must have received an absolute majority vote of those present and voting.

- If there are more than two candidates for one vacancy and no one receives an absolute 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.
- For example, if Candidate A receives four votes and Candidates B and C receive two each, Candidate A is not elected as he has the same number of votes as B and C together. In such a case, it is necessary to conduct a ballot between the tied candidates to eliminate one of them.
- In the case of a tie at such a point the Chair would have a casting vote.

5.8 This process must, if necessary, be repeated until an absolute majority is obtained.

5.9 Voting will be undertaken in accordance with Standing Orders.

5.10 In each round of voting Councillors will be provided with ballot papers (if a ballot has been requested) and have one vote each.

5.11 Ballot papers will be collected by the Clerk who will then count, record and publicly declare the votes using the Verification and Count Sheet at Appendix 2.

5.12 In the event of a tie of the last two candidates the Chair will have the casting vote.

## **6 ACCEPTANCE OF OFFICE**

6.1 Co-opted councillors may take office and exercise their rights as a member of the council upon signing Acceptance of Office. This will be offered after all potential co-options have been considered.

This Council adopted the Policy for Co-option at its Council meeting on:

|                              |   |
|------------------------------|---|
| <b>Last review date:</b>     | <b>November 2024</b>                      |
| <b>Next review date:</b>     | <b>November 2026</b>                      |
| <b>Lead:</b>                 | <b>Council Manager</b>                    |
| <b>Overseeing Committee:</b> | <b>Full Council</b>                       |
| <b>Approved:</b>             | <b>FC19924 – 25.11.24</b>                 |
| <b>Review cycle:</b>         | <b>2 yearly and/or as per legislation</b> |



**WOUGHTON COMMUNITY COUNCIL**  
**Application for Co-option to the Council**

Ward Name

- Peartree Bridge
- Eaglestone
- Coffee Hall
- Leadenhall
- Beanhill
- Netherfield
- Tinkers Bridge

(please tick those applicable)

Vacancy Declaration Date .....

Name: .....

Address for Correspondence .....

.....

Telephone Number(s) .....

E mail .....

**Eligibility**

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

- They are 18 year of age and is a UK, eligible Commonwealth citizen<sup>3</sup>, a citizen of any member state of the European Union, or a qualifying foreign citizen<sup>4</sup>,
- AND meet one of the following conditions,
  - ✓ are registered as a local government elector for the community in which they wish to stand from the day of their nomination onwards
  - ✓ have occupied as owner or tenant any land or other premises in the community area during the whole of the 12 months before the day of nomination and the day of election
  - ✓ their main or only place of work during the 12 months prior to the day of nomination and the day of election has been in the community area
  - ✓ they have lived in the community area or within three miles of it during the whole of the 12 months before the day of your nomination and the day of election.

---

3 An eligible Commonwealth citizen is a Commonwealth citizen who either: does not need leave to enter or remain in the United Kingdom or has indefinite leave to remain in the United Kingdom.

4 A qualifying foreign citizen is a person who is not a Commonwealth Citizen or a citizen of the Republic of Ireland, AND who has or does not require leave to remain or is treated as having leave to enter or remain in the United Kingdom.

A person is disqualified from being a Councillor if:

- He/she has within 5 years before served a prison sentence (including suspended sentences) of three months
- He/she is the subject of a bankruptcy restrictions order or interim order
- He/she is an employee or holds paid office of the Council
- He/she has within 3 years been disqualified under the Representation of the People Act 1983 (which covers corrupt or illegal electoral practices)
- He/she is subject to the notification requirements of or under Part 2 of the Sexual Offences Act 2003

I confirm that I am eligible and not disqualified to apply for the vacancy of councillor for Woughton Community Council in accordance with the above provisions:

Signed .....

Date .....

Please return this form with your personal statement (no more than 300 words) to:

The Council Manager  
Woughton Community Council  
The Local Centre  
Garraways  
Coffee Hall  
Milton Keynes  
MK6 5EG

Or via email to: [steve.mcnay@woughtoncommunitycouncil.gov.uk](mailto:steve.mcnay@woughtoncommunitycouncil.gov.uk)



**WOUGHTON COMMUNITY COUNCIL**

**Verification and Count Sheet**

**VERIFICATION**

Number of Councillors voting: .....

Number of Candidates: .....

**COUNT**

| Name(s) of Candidates        | Number of Votes |
|------------------------------|-----------------|
|                              |                 |
|                              |                 |
|                              |                 |
|                              |                 |
|                              |                 |
| <b>Total Number of Votes</b> |                 |
| <b>No. Spoilt Papers</b>     |                 |

Signed Town Clerk .....

**DECLARATION**

The Chair declared that following the \_\_\_\_\_ ballot

\_\_\_\_\_ was elected as a Councillor having

received a total of \_\_\_\_\_ votes.

OR

The Chair declared no overall majority on the first ballot with the following candidates going forward to a second or more ballots:

.....  
 .....  
 .....