

Report No. 2

Report to Town Council 9th May 2017

Co-option of Town Councillors

1. Purpose of the report

- 1.1 To guide the Town Council in setting a process for the co-option of new Town Councillors to the four vacant seats on the Town Council.

2. Background

- 2.1 This year only twelve nominations were received for election to Malmesbury Town Council where the total number of seats is sixteen.
- 2.2 In circumstances where the total number of nominations is less than available seats those persons nominated will form the new Council.
- 2.3 There is no requirement for a further election as the new Council is quorate and able to function.
- 2.4 However, the new Council is required to take such steps as are necessary to fill the vacancies as soon as possible by a process of co-option.

3. Proposal

- 3.1 Legislation governing local councils does not specify how any co-option should proceed other than that the process should be transparent.
- 3.2 In the last few years co-option to Malmesbury Town Council has been as the result of a death or resignation of a serving councillor but the process adopted met the rules concerning transparency.
- 3.3 Once the Council has agreed to proceed the previous process was as follows:
 - 3.3.1 Appropriate notices are displayed on the website and notice boards inviting those suitably qualified and interested in becoming a councillor to submit a short paper explaining why they would like to serve as a councillor and what qualities they could bring to the office.
 - 3.3.2 The submitted documents are distributed to all other councillors for information and the candidates called for interview by the members of the Town Council.
 - 3.3.3 Successful candidates must have an absolute majority of votes of those present and voting.
 - 3.3.4 If the number of candidates is equal to the number of vacancies then they may all be filled by one single composite resolution.
- 3.4 The Town Council is not obligated to accept all that put themselves forward provided that openness and transparency requirements are followed.

- 3.5 Although the Town Council currently carries four vacancies the Town Council is quorate and able to continue to function and therefore the first item of business at the first meeting of the Town Council must be the election of Town Mayor. This cannot wait until the vacancies have been filled.
- 3.6 In a similar manner, the committees of the Town Council require to be serviced by the appointment of Town Councillors to serve upon them. However, this is a situation that could be revisited once the vacancies have been filled.
- 3.7 The current Standing Orders of the Town Council require the presence of four councillors before a committee is deemed to be quorate. In view of the high number of vacancies it may be prudent to relax the requirement to the level of three councillors to enable decisions to be made. This situation has occurred before and without detriment to the efficient discharge of business
4. Financial implications and risks
 - 4.1 There are no financial implications falling upon the Town Council, the charges from Wiltshire Council are only applicable if an election is deemed to be necessary.
5. Recommendations
 - 5.1 The Town Council is recommended to consider and agree the process to be adopted for the co-option of councillors to the Town Council.
 - 5.2 The Town Council is also recommended to reduce the level of councillors required for a committee to be declared quorate from four to three for the next few months or until the vacancies have been filled.

Jeff Penfold
Town Clerk
25th April 2017