

WELLS TOWN COUNCIL CO-OPTION POLICY

INTRODUCTION

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

CO-OPTION

The Co-option of a Town Councillor occurs when a casual vacancy has arisen on the Council and no poll (by-election) has been called. 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; or
- A councillor fails for six (6) months to attend meetings of a council committee or subcommittee or to attend as a representative of the Council a meeting of an outside body.

The Parish Council has to notify the District Council of a Casual Vacancy and then advertise the vacancy and give electors the opportunity to request an election. This occurs when ten (10) electors write to the District Council stating that an election is requested.

If a by-election is called, a polling station will be set up by the District Council and the people of the parish will be asked to go to the polls to vote for candidates who will have put themselves forward by way of a nomination paper. The parish council will pay the costs of the election. The people of the parish have fourteen days (not including weekends, bank holidays and other notable days), to claim the by-election, but the electoral officer will advise the clerk of the closing date.

If more than one (1) candidate is then nominated a by-election takes place but if only one (1) candidate is put forward they are duly elected without a ballot.

If ten (10) residents do not request a ballot within fourteen (14) days of the vacancy notice being posted, as advised by the Electoral Service Manager at North Norfolk District Council, the Town Council is able to co-opt a volunteer.

CONFIRMATION OF CO-OPTION

On receipt, of written confirmation, from the Electoral Services Office from the District Council, the casual vacancy can be filled by means of Co-option, the Town Clerk will:

- Advertise the vacancy for four weeks on the Council notice boards and website

- Advise the council that the Co-option Policy has been instigated

ELIGIBILITY OF CANDIDATES

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

- He/she is an elector for the parish; or
- has resided in the parish for the past twelve months or rented/tenanted land in the parish; or
- had his/her principal place of work in the parish; or
- has lived within three miles (direct) of the parish.

There are certain disqualification's for election, of which the main are (see 5. 80 of the Local Government Act 1972):

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

APPLICATIONS

Candidates will be requested to:

- Submit information about themselves, by way of completing a short application form (a copy of the application form is attached as Appendix A);
- Confirm their eligibility for the position of Councillor within the statutory rules, (a copy of the Eligibility Form is attached as Appendix B).

Following receipt of applications, the next suitable council meeting will have an agenda item 'To receive written applications for the office of Town councillor and to Co-opt a candidate to fill the existing vacancy'.

Copies of the candidates applications will be circulated to all Councillors by the Clerk at least 3 clear days prior to the meeting of the full Council, when the Co-option will be considered. All such documents will be treated by the Clerk and all Councillors as Strictly Private and Confidential.

AT THE CO-OPTION MEETING

At the co-option meeting, candidates will be given five minutes maximum to introduce themselves to Members, give information on their background and experience and explain why they wish to become a Member of the Town Council. The process will be carried out in the public session and there will be no private discussions between Members prior to a vote being taken. However where the Council is discussing the merits of candidates and inevitably their personal attributes,

this could be prejudicial and the Council should resolve to exclude the members of the press and public.

As soon as all candidates have finished giving their submissions, the council will proceed to a vote with each candidate being proposed and seconded by the councillors in attendance (as defined in the Standing Orders) and a vote by a show of hands (LGA 1972 Sch. 12. Para 39). A recorded vote may be requested under Standing Order 3 so as to show whether each Councillor present and voting, gave his/her vote for or against that question.

In order for a candidate to be elected to the Council, it will be necessary for them to obtain an absolute majority of votes cast (50% + 1 of the votes available at the meeting). If there are more than two candidates and there is no candidate with an overall majority in the first round of voting the candidate with the least number of votes will drop out of the process. Further rounds of voting will then take place with the process repeated until a candidate has an absolute majority.

The Clerk will notify Electoral Services of the new Councillor appointment, initiate 'acceptance of office' paperwork and 'registration of interests' within 28 days of being elected.

If insufficient candidates come forward for co-option, the process should continue, whereby the vacancies are again advertised.

DATE ADOPTED.....07/03/2016..... DATE OF REVIEW: March 2020

Appendix A

Wells Town Council
Co-option Application Form

Name:

Address:

Telephone Number:

Email Address:

Are you 18 or over?

Yes / No

Please detail any experience you may have that is relevant to Wells Town Council (if necessary continue onto a separate sheet)

Is there any other information you would like to disclose regarding your application? (If necessary, please continue on a separate sheet).

DECLARATION

SIGNED..... Name.....

Date.....

Please return this completed form, together with the completed Co-option Eligibility Form to:

The Town Clerk
Wells Town Council,
Wells Community Hospital
Mill Road,
Wells-next-the-Sea
NR23 1RF

Tel: 01328 710564
Email: clerk@wellstowncouncil.org.uk

WELLS TOWN COUNCIL

Co-option Eligibility Form – Appendix B

1. In order to be eligible for co-option as a Wells Town Councillor you must be a British subject, or a citizen of the Commonwealth or the European Union; and on the ‘relevant date’ (i.e. the day on which you are nominated or if there is a poll the day of the election) 18 years of age or over; and additionally able to meet one of the following qualifications set out below.

- a) I am registered as a local government elector for the parish; or
- b) I have, during the whole of the twelve months preceding the date of my co-option, occupied as owner or tenant, land or other premises in the parish; or
- c) My principal or only place of work during those twelve months has been in the parish; or
- d) I have during the whole of twelve months resided in the parish or within 3 miles of it.

Please tick which applies to you

2. Please note that under Section 80 of the Local Government Act 1972 a person is disqualified from being elected as a Local Councillor or being a member of a Local Council

if he/she:

- a) Holds any paid office or employment of the local council (other than the office of Chairman) or of a joint committee on which the Council is represented; or
- b) Is a person who has been adjudged bankrupt or has made a composition or arrangement with his/her creditors (but see below); or
- c) Has within five years before the day of election, or since his/her election, been convicted in the UK, Channel Islands or Isle of Man of any offence and has been sentenced to imprisonment (whether suspended or not) for not less than three months without the option of a fine; or
- d) Is otherwise disqualified under Part III of the representation of the People Act 1983 for corrupt or illegal practices.

This disqualification for bankruptcy ceases in the following circumstances:-

- i. If the bankruptcy is annulled on the grounds that either the person ought not to have been adjudged bankrupt or that his/her debts have been fully discharged;
- ii. If the person is discharged with a certificate that the bankruptcy was caused by misfortune without misconduct on his/her part;
- iii. If the person is discharged without such a certificate.

In i and ii above, the disqualification ceases on the date of the annulment and discharge respectively.

In iii, it ceases on the expiry of five years from the date of discharge.

DECLARATION

I.....hereby confirm that I am eligible for the vacancy of Wells Town Councillor, and the information given on this form is a true and accurate record.

Signature..... Printed.....

Name..... Date.....