

Co-option

RESPONSIBLE COMMITTEE: P&F

This is a policy/procedure document of Saltash Town Council to be followed by both Council Members and Employees.

Current Document Status

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Version History

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| January 2021 | 1 DRAFT | AJT | New policy |
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Document Retention Period

Until superseded

SALTASH TOWN COUNCIL

CO-OPTION POLICY

This policy sets out the procedure to be followed when co-opting members to fill a casual vacancy within the Town Council ensuring compliance with relevant legislation.

Templates included in the appendix:

- Appendix A: Notice of a Casual Vacancy
- Appendix B: Co-option criteria
- Appendix C: Co-option eligibility declaration
- Appendix D: Application form
- Not included but to be sent with the Application Pack is the STC Privacy Notice

Background

s.87(2) of the Local Government Act 1972 requires a local council to give public notice of casual vacancies.

Casual Vacancy

A casual vacancy occurs when:

- a. a councillor fails to deliver his declaration of acceptance of office at the proper time; or
- b. a councillor resigns; or
- c. a councillor dies; or
- d. in the case of a councillor who is disqualified by virtue of a criminal conviction, under section 34 of the Localism Act 2011, the expiry of the period for making an application or appeal, or if an appeal or application has been made, the date that any such application or appeal process comes to an end;
- e. on the date of a report or certificate of an election court that declares an election void;
- f. a person ceases to be qualified to be a councillor for a reason not mentioned above; or
- g. a councillor fails to attend a meeting for six consecutive months (section 85 of the 1972 Act).

Cornwall Council is notified of the vacancy and will post a formal Notice of Vacancy. The notice will be displayed for fourteen days during which ten members of the parish can request (in writing) that an election takes place. Cornwall Council will then organise the by-election.

If no election is called or following the call for an election no candidates stand, the Town Council will then fill the seat by co-option.

NOTE: if the vacancy falls within six months before the date when the councillor in question would have regularly retired (e.g. four days after the next ordinary election), a by-election will not be held but the Town Council may, but need not, co-opt a member to fill the vacancy. It must still give public notice of the vacancy.

Vacancies after an ordinary election

Section 21 of the Representation of the People Act 1985 provides that where an insufficient number of candidates is validly nominated at an ordinary local council election to fill the vacancies on the council, those who have been validly nominated are automatically elected as councillors.

Provided that those elected constitute at least a quorum (three or one third of the total number of councillors, whichever is the greater), the council may co-opt any person(s) to fill the vacancy(ies).¹ There is no statutory requirement² to give public notice of the vacancy(ies) before exercising the power of co-option. However, in practice this may be a sensible way to attract possible candidates and demonstrates transparency.

The co-option process should be completed within six weeks of the new council taking office (four days after the election).

Eligibility for Co-option

A person is eligible to be co-opted provided he is qualified to be a councillor³ and is not disqualified by the s.80 of the 1972 Act.

Eligibility criteria:

- a. he/she is an elector for the parish; or
- b. has resided in the parish for the past twelve months or rented/tenanted land in the parish; or
- c. has lived within 3 miles (direct) of the parish.

There are certain disqualifications for election of which the main are:

- a. holding a paid office under the local authority;
- b. bankruptcy
- c. 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
- d. being disqualified under any enactment relating to corrupt or illegal practices.

¹ Where the power of co-option is not exercised within 35 working days, Cornwall Council may exercise powers to hold a further election or take other appropriate action to fill the vacancy(ies).

² s.21(2) Representation of the People Act 1985

³ s.79 of the 1972 Act

Applying for a Casual Vacancy

Application packs can be downloaded from the Town Council website <https://www.saltash.gov.uk/councillorvacancies.php> or on request from the Town Council. (See appendix for templates)

Councillors co-opted to the Town Council are not eligible to claim the Members Allowance.

Procedure

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| <p>Vacancy arises</p> | <ul style="list-style-type: none"> • Members notified • Electoral Services notified |
| <p>Co-option stage 1 (where no by-election is called)</p> | <ul style="list-style-type: none"> • Advertise notice of vacancy to be filled by co-option with a 14-day deadline. The notices will be placed on all Town Council notice boards; the Town Council website and social media pages; issued as a press release. • Prepare application packs including a copy of the STC Privacy Notice • Application packs made available on website or on request. |
| <p>After closing date</p> | <ul style="list-style-type: none"> • Town Clerk (or officer with delegated authority) checks applications for eligibility. Eligible candidates invited to co-option meeting. • All eligible applications are circulated to Members three days before the co-option meeting. These will only be sent to council email addresses marked to be treated as Strictly Private and Confidential. • Agenda issued for the meeting to include agenda item: To receive applications for the office of Town Councillor and to co-opt a candidate to fill the existing vacancy in ----- Ward. |
| <p>Co-option meeting (note this must be a Full Town Council meeting open to the public)</p> | <ul style="list-style-type: none"> • Where a candidate is a relative of an existing Councillor, that Councillor should declare a prejudicial interest and withdraw from the meeting. • Each candidate (in alphabetical order) will be given five minutes to speak - introducing themselves to the council, giving information on their background and experience and explaining why they wish to become a member of the Town Council. • After the presentations Members may ask questions of the candidates before proceeding to the vote. • Each Councillor present has one vote per vacancy to be filled. The Chairman has the casting vote (Standing Order 2r). For a candidate to be successful they will need to obtain an absolute |

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| | <p>majority of votes cast at the meeting. If there are more than two candidates and there is no candidate with an absolute majority in the first round of voting, the candidate with the least number of votes will drop out. Further rounds of voting will take place until a candidate has an absolute majority.</p> <ul style="list-style-type: none"> • A successful candidate signs Acceptance of Office and immediately becomes a Councillor. They may then take their place at the table. |
| After the meeting | <ul style="list-style-type: none"> • Town Clerk notifies Electoral Services of the new Councillor appointed. • Declaration of Interests paperwork to be completed within 28 days • Administration office to issue induction pack and undertake all necessary administration processes. |
| Where insufficient candidates come forward for co-option | <ul style="list-style-type: none"> • The vacancy will be re-advertised and the process continue until an appointment is made. |

Saltash Town Council

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NOTICE OF CASUAL VACANCY CO-OPTION FOR TOWN COUNCILLOR EAST WARD

Any person who wishes to be considered for co-option should contact the Town Council at the address shown below.

If you are interested in the vacancy you are required to complete an application form. You can obtain an application pack either on our website <https://www.saltash.gov.uk/councillorvacancies.php> or contact us via post or email:

Saltash Town Council
The Guildhall
12 Lower Fore Street
Saltash
PL12 6JX

Tel: 01752 844846

OR

Email: humanresources@saltash.gov.uk
Please return your application to us via email or post.
CLOSING DATE : <insert date> 5pm

Prospective applicants should note that there are rules for eligibility which can be found in the application pack or can be obtained on request.

Canvassing of Council members will disqualify applicants from standing.

CO-OPTION CRITERIA

Name of Local Council: SALTASH TOWN COUNCIL

Description of Office: Saltash Town Councillor

| COMPETENCY | ESSENTIAL | DESIRABLE |
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| Relevant knowledge, Education, Professional Qualifications & Training | <ul style="list-style-type: none"> • Sound knowledge and understanding of local affairs and the local community. | |
| Experience, Skills, Knowledge and Ability | <ul style="list-style-type: none"> • Solid interest in local matters. • Ability and willingness to represent the Council and their community. • Good interpersonal skills. • Ability to communicate clearly both orally and in writing. • Ability and willingness to work closely with other members and to maintain good working relationships with all members and staff. • Good reading and analytic skills. • Ability and willingness to work with the council's partners (e.g. voluntary groups, other parish councils, unitary authority, charities). • Ability and willingness to undertake relevant training. • Ability to work under pressure. | <ul style="list-style-type: none"> • Knowledge of HR, procurement, contract management, financial control or risk management and compliance, public relations. • Experience of working in another public body or not for profit organization. • Experience of working with voluntary and or local community/interest groups. • Basic knowledge of legal issues relating to town and parish councils or local authorities. • Experience of delivering presentations. • Experience of working with the media. • Experience in financial control/budgeting. • Experience of staff management. |
| Other requirements | <ul style="list-style-type: none"> • Ability and willingness to attend meetings of the council (or the meetings of other local authorities and local bodies) in the evening and events in the evening and at weekends. • Flexible. • Enthusiastic. | |

CO-OPTION ELIGIBILITY FORM

Are you a British subject or citizen of the Commonwealth? **YES/NO**

On the relevant date (the day on which you are co-opted) are you 18 years of age or over? **YES/NO**

Please tick all that apply:

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| a. I am registered as a local government elector for the town of Saltash. | <input type="checkbox"/> |
| b. During the whole preceding 12 months (of the day on which you are co-opted) you have occupied as owner or tenant any land or other premises in Saltash. | <input type="checkbox"/> |
| c. My principal or only place of work during that 12 months has been in Saltash. | <input type="checkbox"/> |
| d. During the whole of the preceding 12 months I have resided in Saltash or within three miles of it. | <input type="checkbox"/> |

Under Section 80 of the Local Government Act 1972 a person is disqualified from being elected as a local councillor if specific criteria are not met:

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| a. Are you employed by Saltash Town Council? | YES/NO |
| b. Are you the subject of a bankruptcy restrictions order or interim order? | YES/NO |
| c. Have you within the last five years been convicted of an offence in the UK, Channel Islands or Isle of Man which resulted in a sentence of imprisonment (whether suspended or not) for a period of three months or more without the option of a fine? | YES/NO |
| d. Are you disqualified by an order of court from being a member of a local authority? | YES/NO |

DECLARATION

I <insert full name> hereby confirm that I am eligible for the vacancy of Saltash Town Councillor and the information given on this form is a true and accurate record.

Signed: _____

Print: _____

Date: _____

Please detail any experience you feel is relevant (e.g. volunteering, community projects, community interest)

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Please supply details of two referees:

| Reference 1 | Reference 2 |
|-------------------|-------------------|
| Name: | Name: |
| Connection: | Connection: |
| Telephone number: | Telephone number: |
| Email address: | Email address: |

I confirm that I have the permission of those named as referees to share their details with Saltash Town Council for the purpose of this application. YES/NO

Name of Applicant:

Signature:

Date:

Deadline for receipt of applications: <insert date and time>

The meeting to consider applications for co-option will be held on <insert date and time>.

Please return your completed application form and confirmation of eligibility form to:

Saltash Town Council
The Guildhall
12 Lower Fore Street
Saltash
PL12 6JX
Email: humanresources@saltash.gov.uk

Your Data:

Please refer to the enclosed privacy notice to see how Saltash Town Council uses your data.