

SOMERTON TOWN COUNCIL COUNCILLOR CO-OPTION POLICY

Co-option

This procedure is based on NALC Legal Briefing L15-08 – Good practice for selection of candidates for co-option to local Councils.

Town Councils are permitted to exercise the power to co-opt a person on to the Council to fill a casual vacancy when the requirements to hold an election have not been met (i.e. The vacancy has been the subject of a public notice and less than 10 registered electors have requested an election by a deadline date specified by the District Returning Officer).

Although seeking ‘expressions of interest’ is not a legal requirement, the National Association of Local Councils (NALC) recommends that Councils always give public notice of vacancies because this makes the process of co-option open and transparent and should attract more potential candidates.

Whenever the need for co-option arises, Somerton Town Council will:

Consider advertising the vacancy to seek and encourage ‘expressions of interest’ by a specified date from anyone in the Town who is eligible to stand as a Town Councillor. All potential candidates will be requested to put their request for consideration in writing with the following additional information:

- i: reason for wishing to be Councillor
- ii. previous Community/Council work; and
- iii. other skills they can bring to the Council Please note it is a condition of a Councillor that a means of contact by telephone and/or email will be public information.

Casual Vacancy

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 sub-committee or to attend as a representative of the council a meeting of an outside body.

The Town Council must notify Somerset Council of a casual vacancy, advertise the vacancy and give electors for the ward the opportunity to request an election. This occurs when ten (10) electors write to Somerset Council stating that an election is requested.

If a by-election is called, a polling station will be set up by Somerset Council and the people of the ward 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 Town Council will pay the costs of the election. The people of the ward have fourteen days (not including weekends, bank holidays and other notable days), to claim the by-election, but the Electoral Services Office of South Somerset District Council 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 Services Office, the Town Council is able to co-opt.

Confirmation Of Co-Option

On receipt of written confirmation from the Electoral Services Office that by-election has not been claimed, the casual vacancy can be filled by means of co-option. The Clerk will:

- Advertise the vacancy for four weeks or such other period as the Town Council may agree on the Town Council notice boards and website
- Advise Somerset Council that the co-option policy has been instigated.

This procedure will also apply in the case of an ordinary vacancy where the Electoral Services Office has confirmed that there were insufficient nominations to fill all the seats but there are sufficient town councillors elected to constitute a quorum.

Eligibility Of Candidates

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

- he/she is 18 or over; and
- he/she is a British citizen, a qualifying Commonwealth citizen or a citizen of any other member state of the European Union;

and at least one of the following apply:

- he/she is an elector for the Town and continues to be an elector; or

- has resided in the Town for the past twelve months or rented/tenanted land in the Town; or
- has had his/her principal or only place of work in the Town for the past twelve months; or
- has lived within three miles of the Town for the past twelve months.

There are certain disqualifications for being a town councillor, of which the main are (see s80 of the Local Government Act 1972):

- holding a paid office or employment under the Town Council.
- 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 preceding five years; or
- being disqualified under any enactment relating to corrupt or illegal electoral practices.

Applications

Candidates will be requested to:

- Attend at least one Town Council meeting as observers.
- 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 Town councillor within the statutory rules, (a copy of the eligibility form is attached as Appendix B).

Following receipt of applications, the next suitable Town 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'.

Eligible candidates will be invited to attend the meeting.

Copies of the eligible candidates' applications will be circulated to all town councillors by the Clerk at least 3 clear days prior to the meeting of the full Town Council, when the co-option will be considered.

All such documents will be treated by the Clerk and all Town councillors as strictly private and confidential.

Councillor Co-option

1. All candidates shall be invited, by letter, to attend the next full Town Council meeting following the application deadline.
2. If candidates are unable to attend, this meeting will not be rearranged.
3. All members will receive copies of candidate applications, along with the published agenda for the next full Town Council meeting following the application deadline. Candidate applications are strictly confidential.
4. If candidates are unable to attend, due to exceptional¹ circumstances, a nominated representative (approved by the clerk) may attend and read a statement on their behalf.
5. An agenda item will be set aside for candidates to make a brief verbal presentation to members, outlining their relevant skills and experience. Each candidate will be allocated a maximum of three minutes. These presentations will be open to the public.
6. Members may ask questions of the candidates before proceeding to a vote. (If a candidate is unable to attend the meeting, this process will still take place and voting will subsequently be based on this meeting and application form).
7. The Chair will then place the names of candidates in alphabetical order and proceed to vote.
8. The Town Council will appoint the co-opted members by voting according to Standing Orders.
9. Only Town Councillors present at the meeting may vote upon a person to fill the vacancy. Councillors will have one vote per vacancy to be filled.
10. If a Candidate is a relative of a Councillor, that Councillor may declare a prejudicial interest and withdraw from the meeting.
11. A successful candidate must have received an absolute majority vote by those Councillors present.
12. It follows that if there are more than two candidates for one vacancy and not one of them at the first count receives a 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.
13. This process must, if necessary, be repeated until an absolute majority is obtained.
14. The Chair has the casting vote.

¹ For example the death of a family member or a medical emergency



Somerton Town Council
Policy Document
Councillor Co-option Policy
Adopted: March 2021
Review date: March 2024

APPENDIX A



Somerton Town Council
Edgar Hall, 8 Cary Court, Somerton
Business Park, Somerton,
Somerset
TA11 6SB

Tel: 01458 272236

town.clerk@somertontowncouncil.gov.uk

SOMERTON 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 Town Council (if necessary, continue onto a separate sheet)



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

Use of Personal Information: The Town Council will use your information, including that which you provide on this application form, to assess your suitability to be a town councillor.

Declaration & Consent I have read the section entitled “Use of Personal Information” and by signing this form I consent to the use and disclosure of my information included in this application form.

I declare the information given on this form to be true and correct.

SIGNED..... NAME.....

DATE.....

Please complete and return this form, together with the completed Co-option Eligibility Form to:
The Clerk, Edgar Hall, 8 The Cary Court, Somerton, Somerset, TA11 6SB - Tel: 01458 272236 - Email:
town.clerk@townsomertoncouncil.gov.uk



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Edgar Hall, 8 Cary Court,
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Somerset
TA11 6SB

Tel: 01458 272236

APPENDIX B

town.clerk@somertontowncouncil.gov.uk

SOMERTON TOWN COUNCIL CO-OPTION ELIGIBILITY FORM

1. In order to be eligible for co-option as a Town Councillor you must satisfy certain criteria. You must satisfy (a) and (b) below and at least one of the options (c) – (f). Please tick which apply to you:
 - a. I am 18 years of age or over; and
 - b. I am a British citizen or a citizen of the Commonwealth or a citizen of any other member state of the European Union; and
 - c. I am registered as a local government elector for the parish; or
 - d. 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
 - e. My principal or only place of work during those twelve months has been in the parish; or
 - f. I have during the whole of those twelve months resided in the Town or within 3 miles of it.
2. Please note that under Section 80 of the Local Government Act 1972 a person is disqualified from being a Town councillor if he/she:
 - a) Is employed by the Town council or holds paid office (other than chairman, vice- chairman or deputy chairman) under the Town council (including joint boards or committees).
 - b) Is employed by an entity controlled by the town council.
 - c) Is the subject of a bankruptcy restrictions order or an interim bankruptcy restrictions order or a debt relief restrictions order or an interim debt relief restrictions order; or
 - d) Has within five years before the day of co-option, or since his/her co-option, 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
 - e) Is otherwise disqualified under Part III of the Representation of the People Act 1983 (relating to corrupt or illegal electoral practices and offences relating to donations) or the Audit Commission Act 1998



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Use of Personal Information

The Town Council will use the information provided on this form to assess your eligibility to be a Town councillor.

Declaration & Consent

I..... hereby confirm that I am eligible for the vacancy of Somerton Town Councillor and I am not disqualified under s80 of the Local Government Act 1972 from being a Town councillor and that the information given on this form is true and correct.

I have read the section entitled “Use of Personal Information” and by signing this form I consent to the use and disclosure of my information included in this form.

Signature..... Name.....

Date.....

APPENDIX C



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Somerton Business Park,
Somerton,
Somerset
TA11 6SB
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CO-OPTED COUNCILLOR PERSON SPECIFICATION

Desirable Personal Attributes

- Forward thinking
- Can bring a new skill, expertise, or key local knowledge to the Council.

Desirable Experience, Skills, Knowledge and Ability

- Ability to listen constructively.
- A good team player.
- Ability to pick up and run with a variety of projects.
- An interest in local matters.
- Ability and willingness to represent the Council and their community.
- Good interpersonal skills and able to contribute opinions at meetings whilst willing to see others' views and accept majority decisions.
- Ability to communicate succinctly and clearly.
- Ability and willingness to work closely with other members and to maintain good working relationships with all members and staff.
- Ability and willingness to work with the Council's partners (e.g. voluntary groups, other Town Councils, principal authority, charities).
- Ability and willingness to undertake induction training and other relevant training to support the servicing of a Council Committee.

Desirable Circumstances

- Ability and willingness to attend meetings of the Council (or meetings of other local authorities and local bodies).

END OF POLICY