

Councillor Vacancy (Co-option) Policy and Procedure and Application Form

Contents

1. Introduction.....	2
2. Co-option	2
Casual.....	2
Ordinary	2
3. Confirmation of co-option.....	3
4. Eligibility of candidates	3
5. Applications	3
6. At the meeting where co-option candidate’s applications are considered	4
7. After the vote has concluded	5
8. Appendix A	6
9. Appendix B	7

Document History

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1. Introduction

1.1 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.

2. Co-option

There are two types of vacancies:

Casual

2.1 This occurs during the four-year term 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.

2.2 S87(2) of the Local Government Act 1972 requires a local authority (Parish Council) to give public notice of casual vacancies to ensure transparency and attract more candidates.

2.3 The process of giving ten electors the opportunity to call a by-election is only relevant for casual vacancies, not ordinary vacancies.

2.4 Following a casual vacancy the Town Clerk will notify the District Council and then using the notices provided by the District Council they will advertise the vacancy and give electors the opportunity to request an election. An election occurs when ten electors write to the District Council stating that an election is requested. If an election is called and if more than one candidate is validly nominated a by-election takes place but if only one candidate is put forward they are duly elected without a ballot. If the election for a vacancy is contested then a ballot is called, a polling station will be set up by the District Council and the electorate of the parish will be able to vote for validly nominated candidates.

2.5 In the event of an election being called, the Town Clerk will inform West Lindsey District Council that polling cards are required, unless it coincides with an election taking place on that day.

2.6 If the casual vacancy is advertised and an election is not called by electors the District Council will inform the Town Council in writing to co-opt someone who is eligible and not disqualified to fill the vacant seat.

2.7 The advertising and election process for a casual vacancy is covered in S.89 Local Government Act 1972

(6) A casual vacancy among parish or community councillors shall be filled by election or by the parish or community council in accordance with rules made under section 36 of the Representation of the People Act 1983 in the case of a parish council.

Ordinary

2.8 This occurs as a result of insufficient nominations for the seats available at the time of election. Any such vacancy/vacancies should be advertised within 35 days of the election or later if still unfilled.

2.9 In these circumstances a person can be co-opted to fill a vacancy/vacancies at the discretion of the local authority (Town Council).

2.10 The eligibility and disqualification criteria required of an applicant for either an ordinary or casual vacancy are the same in accordance with S79 and disqualification criteria Ss.80-81 of the Local Government Act 1972.

3. Confirmation of co-option

3.1 Once notified that co-option is possible to fill vacant seats the Town Clerk will:

- Advertise the vacancy on the Council notice boards, website, facebook page or similar social media.
- The notice will have a closing date of 21 days for receiving applications.
- Advise the Town Council that these procedures have been implemented.

3.2 Councillors elected by co-option are full members of the Town Council throughout the remainder of their term of office until ordinary elections are due.

4. Eligibility of candidates

4.1 Candidates must satisfy the current eligibility criteria set out in S.79 Local Government Act 1972

- They are an elector for the parish; or
- has resided in the parish for the past twelve months or rented/tenanted land or other premises in the parish; or
- had their principal place of work in the parish; or
- has lived within three miles of the parish boundary.

4.2 Candidates must also ensure that they are not disqualified from standing as a councillor under provisions listed under Ss.80-81 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;
- being disqualified under any enactment relating to corrupt or illegal practices; or
- not registered as a sex offender

4.3 Candidates found to be offering inducements of any kind will be disqualified.

5. Applications

5.1. Councillors may encourage applications from those eligible to be co-opted but it is the responsibility of the person seeking co-option to demonstrate they satisfy they are eligible and not disqualified.

5.2 Candidates will be requested to:

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

5.3 If no applications are received the notice will be advertised again with a new 21 days closing date. This will continue until such time as an application/applications are received.

5.4 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 candidate's application form will be circulated to all Councillors by the Town 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 Town Clerk and all Councillors as Strictly Private and Confidential.

5.5 Candidates will be sent a full public agenda via email of the meeting at which they are to be considered for appointment. Candidates will also be informed that they will be invited to speak about their application at the meeting. Candidates for co-option will be advised where to view and obtain the Councillors Code of Conduct, Standing Orders and Financial Regulations which apply to them if successful.

6. At the meeting where co-option candidate's applications are considered

6.1 At the 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 councillor. The Chair may invite each candidate to speak in accordance with Standing Orders. The Chair may allow councillors to ask questions of each candidate.

6.2 If an applicant does not present themselves to the Town Council meeting and they cannot provide a valid reason for not attending then they will not be considered for the vacancy/vacancies at that meeting.

6.3 Where the Council wishes to discuss the merits of candidates and their personal attributes, this could be prejudicial and the Council will resolve to exclude the members of the press and public including the candidates under the Local Government Act Schedule 12A and the Public Bodies (Admissions to Meetings) Act 1960 to enable it to discuss the merits or otherwise of the applicants. Once that discussion comes to an end the members of the press, public and the candidates may return to observe the voting process which must be completed in public.

6.4 Once all candidates have finished giving their submissions and if the Council does not wish to discuss the merits of candidates privately (as outlined in the previous paragraph, the Council will proceed to a vote on the acceptability of each candidate utilising the personal statements provided by candidates.

6.5 Each vacant seat will be considered in turn and all candidates may receive votes if they are successfully proposed and seconded. If a candidate is not successfully proposed and seconded they may not receive votes for that vacant seat. If only one candidate is standing for a vacant seat they must still be proposed and seconded and a majority vote by show of hands must still take place.

6.6 In order for a candidate to be co-opted, it will be necessary for them to obtain an absolute majority of votes cast by show of hands (50% + 1 of the votes available at the meeting) (LGA 1972 Sch. 12. Para 39). 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 for that vacant seat. No proxy votes are allowed. The Chair may exercise their casting vote if there is an equality of votes.

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

7. After the vote has concluded

7.1 After the votes has been concluded, the Chair will declare the successful candidate duly elected and immediately after signing their declaration of acceptance of office, may take their place.

7.2 The Town Clerk will notify District Council of the new Councillor appointment.

7.3 The successful candidate(s) must complete the Register of Interests form within 28 days of being elected. The form should be handed to the Town Clerk for forwarding to the Monitoring Officer.

7.4 The result will be recorded in the Minutes of the Town Council meeting.

7.5 The Town Clerk will notify all Town Council Councillors of the voting count and the result of the selection process as soon as possible afterwards.

7.6 No feedback will be given to any applicant in respect of the Town Council discussions that took place in the closed part of the meeting unless agreed by the Town Council.

7.7 The successful applicant/applicants will be provided with the following:

- A copy of the Parish Council's Standing Orders.
- A copy of the Parish Council's Financial Regulations.
- A copy of the Parish Council's Code of Conduct.
- A copy of the Good Councillors Guide.

7.8 The successful applicant/applicants will be encouraged to undertake training courses paid for by the Town Council and provided by Lincolnshire Association of Local Councils (LALC).

Appendix A**GAINSBOROUGH TOWN COUNCIL – CO-OPTION APPLICATION FORM**

Full name	
Home address	
Telephone number	
Email	

It is a condition of being a Parish Councillor that your name will be made public via notice boards and the parish council website. You may need to disclose your phone and email address to deal with parish council matters. Do you agree to this?	Yes / No
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ELIGIBILITY TO BE A TOWN COUNCILLOR**QUALIFICATIONS**

(To qualify you must be able to answer 'Yes' to both of the questions below)

Are you a British, Commonwealth or other European Union Citizen and do not require leave to enter or remain in the United Kingdom or have indefinite leave to remain?	Yes / No
Are you 18 or over?	Yes / No

(To qualify you must be able to answer 'Yes' to at least one of the questions below)

Are you on the electoral register for one of the wards of Gainsborough Town Council?	Yes / No
Have you lived either in the parish of Gainsborough, or within three miles of its boundary, for at least a year?	Yes / No
Have you been the owner or tenant of land in the parish of Gainsborough for at least a year?	Yes / No
Have you had your only or main place of work in the parish of Gainsborough for at least a year?	Yes / No

DISQUALIFICATIONS

(You must be able to answer No to all of the questions below to be eligible to serve as a councillor)

Are you the subject of a bankruptcy restrictions order or interim order?	Yes / No
Have you within the last five years been convicted of an offence in the UK, the Channel Islands or the Isle of Man which resulted in a sentence (whether suspended or not) to imprisonment for a period of three months or more without the option of a fine?	Yes / No
Are you disqualified by order of a court from being a member of a local authority?	Yes / No
Employed by Gainsborough Town Council, a joint committee or holds a paid office?	Yes / No
Subject to the notification requirements of the Sexual Offences Act 2003 or Sexual Risk Orders?	Yes / No

DECLARATION

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

Signed.....

Date:

The Town Council will treat this information as strictly confidential.

Appendix B

Please briefly outline why you are interested in being a Town Councillor.

Please tell us something about the life experience you will bring to the Council, for example, previous local government experience, work in the voluntary or charitable sector, business or trade union experience.

Please tell us something about the skills you feel you will bring to the Council, for example, professional qualifications, financial or project management expertise, listening and organisational skills.

Are there any questions you would like to ask the Council?