Exmouth Town Council

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Councillor Co-option Policy

Adopted 14 September 2020

1. 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 Exmouth Town Council (ETC). The co-option procedure is entirely managed by ETC and this policy will ensure that a fair and equitable process is carried out.

2. Co-option

There are **two** circumstances in which the Town Council may have to consider co-option as a means of filling a vacancy:

a. When a casual vacancy has arisen on the Council and the vacancy has been duly advertised by the District Council BUT there is no call for a ballot within fourteen days of the vacancy notice being posted*

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.

*If, within fourteen days of the public advertisement a poll is requested by not less than ten local government electors for the parish, a by-election must be held in order to fil the vacancy. If ten residents do not request a ballot, ETC is able to co-opt a Councillor.

b. Where an insufficient number of candidates is validly nominated at an ordinary local council election to fill the vacancies on the council

Providing the Council is quorate, the remaining Members may co-opt any person to fill the vacancy/ies.

3. Confirmation of co-option

The Electoral Services Officer for East Devon District Council will advise the Town Clerk when a vacancy can be filled by means of co-option.

The Town Clerk will then:

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

• Advise East Devon District Council that the co-option Policy has been instigated

Exmouth Town Council is not obliged to fill any vacancy if it remains quorate. However, there is a risk that electors in a particular ward may be left partially or fully under-represented for a significant length of time. Neither does it contribute to effective and efficient working of the Council if there are insufficient councillors to share the workload, provide a broad cross-section of skills and interests or achieve meeting quorums without difficulty.

Councillors elected by co-option are full members of Exmouth Town Council, with the same voting rights. However, they cannot claim the Councillors' basic allowance.

4. Eligibility of Candidates

ETC 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 or other premises 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.

Candidates standing in local council elections must submit to the Returning Officer a form (prescribed by Legislation) which (a) confirms their consent to nomination and (b) includes a declaration that they meet the aforementioned statutory qualifications to stand for election. Candidates who wish to be co-opted on to a local council are not subject to such requirements. To ensure that Exmouth Town Council considers for co-option only those candidates who are eligible to be councillors, NALC recommends that the Council requires candidate(s) for co-option to declare or certify in writing that they meet the criteria for eligibility set out in s.79 of the 1972 Local Government Act and are not disqualified under s.80 of the 1972 Act. The Council may need to investigate or obtain evidence about a candidate's eligibility to be a councillor if this is challenged.

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

5. Applications

Candidates will be requested to:

• Submit information about themselves, by way of completing a short application form

• Confirm their eligibility for the position of Councillor within the statutory rules

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.

Candidates will be sent a full agenda of the meeting at which they are to be considered for appointment, together with a copy of the Code of Conduct, Standing Orders and Financial Regulations of ETC. Candidates will also be informed that they will be invited to speak about their application at the meeting.

6. 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 ETC.

The process will be carried out by adjourning Standing Orders to allow the candidates to speak.

In NALC's view, the process should be transparent and it would be difficult to argue that there are special reasons which justify excluding the press and public during a council meeting when it is making decisions about a matter of public interest such as co-option. The process will therefore be carried out in the public session.

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 and a vote by a show of hands (Local Government Act 1972 Sch. 12. Para 13).

In order for a candidate to be elected to Exmouth Town 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. In the case of an equality of votes, the Chairman of the meeting has a casting vote.

After the voting has been concluded, the Chairman will declare the successful candidate duly elected. The co-opted candidate(s) will, subject to signing the Declaration of Acceptance of Office and undertaking to abide by the Town Council's Code of Conduct, take office either before or at the next meeting of the Town Council.

The Clerk will notify the Electoral Services Officer at East Devon District Council of the new Councillor appointment. The successful candidate(s) must also complete the 'registration of interests' within 28 days of being elected.

If insufficient candidates come forward for co-option, the vacancies will be re-advertised.

CASUAL VACANCY APPLICATION

Full Name: ……..

Address: ……

……..

Post Code: ……

Telephone No:

Home: ……

Mobile: ……..

Email: ……

Legal requirements for being a Town Councillor

To qualify you must be able to say "Yes" to both the following questions:

Are you a British or Commonwealth Citizen or a Citizen of a European Union country?

Y/N

Are you 18 years of age or over?

Y/N

To qualify you must also be able to answer "Yes" to at least one of the following questions:

Are you on the parish electoral register for the Parish of Exmouth?

Y/N

Have you lived in the Parish of Exmouth, or within three miles of its boundary, for at least twelve months?

Y/N

Have you been the owner or tenant of land or other premises in the Parish of Exmouth for at least twelve months?

Y/N

Have you had your principal or only place of work in the Parish of Exmouth for at least twelve months?

Y/N

You must also be able to answer "No" to all of the following questions to be eligible to serve as a Councillor:

- Are you the subject of a bankruptcy restriction order or interim order?

  Y/N

- 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 of imprisonment (whether suspended or not) for a period of three months or more without option of a fine?

  Y/N

Disqualification from being elected a member is set out in S.80 of the Local Government Act 1972

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 Town Council (for example, previous local government experience, work in the voluntary or charitable sector, business or trade union experience):

Please tell us about the skills you feel you would bring to the Town Council (for example, professional qualifications, financial or project management expertise):

Are you prepared to undertake Councillor training within Devon?

Please note that the majority of Council meetings are held in the evening and, under present legislation, the Town Council is not permitted to contribute to the cost of Councillors' childcare or care of dependents.

Exmouth Town Council meetings take place once a month on a Monday evening and start at 6.30pm. Additional Committee and Working Party Meetings take place during the day and evening, as and when required.

Declaration and Consent

I declare that I am eligible to become a Town Councillor in the Parish of Exmouth and I certify that the content of this application form is true and correct.

I consent to my details being retained if I am co-opted as a Councillor.

I consent to having a Town Council email address and to receiving Town Council documentation via electronic means (email).

I consent to my name, address and telephone number being published together with my Town Council email address.

Signed…… Date……

Please return the completed form to:

Mrs L Bowman
Town Clerk
Exmouth Town Council
at the address above.