

# Biddulph Town Council



## CO-OPTION POLICY

### WRITTEN BY:

Mrs Sarah Haydon, Chief Officer

### CREATED:

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### APPROVAL DATE:

Finance Strategy & Management Committee – 17 June 2021

Town Council – 22 June 2021

### REVIEW DATE:

June 2023

### INTRODUCTION

1.1 The Town Council is committed to a process that is fair, open and transparent and complies with the Equalities Act 2010, in which a successful candidate is selected on merit.

1.2 This policy sets out the procedure for co-option (filling a casual vacancy) to the role of Councillor to ensure there is compliance with legislation. This may occur in the event of no election being called to fill a Councillor vacancy.

1.3 The co-option process is managed entirely by Biddulph Town Council and this policy ensures there is consistency in relation to the approach taken.

### NOTIFICATION

2.1 Upon written notification from the electoral officer at Staffordshire Moorlands District Council that a casual vacancy may be filled by co-option, and upon instruction from the Council, the Chief Officer will publish the vacancy.

2.2 The co-option notice/ advert will include the following details:

- The method by which applications can be made.
- The closing date for all applications.

- A contact point to obtain more information (ordinarily the Chief Officer).
- How to find further information either electronically or in paper format.

2.3 The vacancy will be advertised on the town noticeboard and on [www.biddulph.co.uk](http://www.biddulph.co.uk)

2.4 Interested individuals will be provided with an application form, a copy of this policy, background information about the Council and the role of the Councillor. Councillors are encouraged to share information about the vacancy.

## ELIGIBILITY

3.1 Eligibility is determined by the Local Government Act 1972. Details of eligibility will be provided on the advert and assessed by application form. The Chief Officer will be responsible for determining eligibility based on the information provided.

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

- They are 18 or over on the 'relevant date'.
- They are a British citizen, a qualifying Commonwealth citizen or a citizen of the European Union.

At least one of the following must apply:

- Be a local government elector for the Council area for which they want to stand, or
- Have occupied as owner or tenant any land or other premises in the Council area during 12 months preceding the relevant date, or
- Had the principle or only place of work in the Council area during the same period, or have resided in the Council area during the 12-month period.

There are certain disqualifications for being a Town Councillor, of which the main are:

- Holding a paid office or employment with 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.

- Being disqualified under any enactment relating to corrupt or illegal electoral practices.

## APPLICATIONS

4.1 Individuals will be given at least 14 days' notice to make an application to the Council.

4.2 Other than the application form, applicants should not submit any other supporting paperwork and they should not lobby any individual Councillor. A breach of the rule could result in the candidate being excluded.

4.3 Where possible, the deadline should be at least 7 days prior to the Council meeting at which a decision is due to be made.

4.4 Late applications will not be accepted.

4.5 Copies of applicants' application forms will be circulated to all Councillors by the Chief Officer, along with a summons to attend the next full Council meeting following the application deadline.

4.6 Applications will be considered as strictly confidential. The sharing of personal information must be in accordance with established data protection legislation and Council policies.

## DECISION MAKING PROCESS

5.1 All eligible candidates will be invited to attend the full Council meeting at which the co-option will be considered.

5.2 If candidates are unable to attend, their application will still be considered.

5.3 The co-option process will be determined in a public session of Council.

5.4 Candidates will be asked to make a brief, verbal presentation to Council in support of their application; this will not exceed three minutes.

5.5 Members may ask questions, but there will be no discussion about the presentations.

## VOTING BY COUNCIL ON THE CO-OPTION (CASUAL VACANCY)

6.1 Following presentations by candidates, the Mayor will call for nominations, which should be duly proposed and seconded. This will determine suitable candidates.

6.2 When all the nominations have been received, a vote should be taken. It is usual for the candidate's names to be put in alphabetical order.

6.3 The person co-opted must receive a majority of votes of those Councillors present, voting at the meeting where the co-option takes place. Where there are more than two candidates for one vacancy, this rule means that a person must get a majority of votes over all the other candidates. Thus, where candidate A receives four votes and candidate B and C each receive two, A is not elected because they have the same number of votes as B and C put together, and does not have the majority over their combined votes. Where there are more than two candidates it is desirable to eliminate the candidate with the least number of votes, so that the final vote is between two candidates only.

6.4 In accordance with Standing Orders, the Mayor may exercise their right to use a casting vote.

6.5 After the vote has been taken, the Mayor should declare the candidate who received the highest number of votes duly elected.

6.6 If the number of candidates equals the number of vacancies, the vacancies may be filled by a single composite resolution.

6.7 The Council is not obliged to fill all or any vacancies, but will take steps to advertise for further co-options.

6.8 The outcome of the ballot shall remain confidential and candidates will only be advised as to who has been successful.

6.9 The person elected must make a declaration of acceptance of office before, or at, the first meeting of the Town Council following their election. The declaration is then retained in the town records. The person elected will attend a briefing session with the Chief Officer as soon as possible following their election.

## APPENDIX A

7.1 This table suggests essential and desirable skills for candidates of the casual vacancy.

<b>Competency</b>	<b>Essential</b>	<b>Desirable</b>
<b>Personal Attributes</b>	<p>Sound knowledge and understanding of local affairs and the local community.</p> <p>Forward thinking.</p>	<p>Can bring a new skill, expertise or key local knowledge to the Council.</p>
<b>Experience, Skills, Knowledge and Ability</b>	<p>Ability to listen constructively.</p> <p>A good team player.</p> <p>Ability to pick up and run with a variety of projects.</p> <p>Solid interest in local matters.</p> <p>Ability and willingness to represent the Council and their community.</p> <p>Good interpersonal skills and able to contribute opinions at meetings whilst willing to see others views and accept majority decisions.</p>	<p>Experience of working or being a member in a local authority or other public body.</p> <p>Experience of working with voluntary and or local community/interest groups.</p> <p>Basic knowledge of legal issues relating to town and parish Councils or local authorities.</p> <p>Experience of delivering presentations</p>

	<p>Ability to communicate succinctly and clearly.</p> <p>Ability and willingness to work closely with other members and to maintain good working relationships with all members and staff.</p> <p>Ability and willingness to work with the Council's partners (e.g. voluntary groups, other parish Councils, principal authority, charities)</p> <p>Ability and willingness to undertake induction training and other relevant training.</p>	
<p><b>Circumstances</b></p>	<p>Ability and willingness to attend meetings of the Council (or meetings of other local authorities and local bodies) at any time and events in the evening and at weekends.</p>	

## APPENDIX B

### **Application to Fill a Casual Vacancy for a Councillor**

**<enter ward name here> Ward**

### **Biddulph Town Council**

#### **To stand for election to become a Town Councillor you must be:**

- At least 18 years old on the day of your nomination, and
- A British citizen, an eligible Commonwealth citizen or a citizen of any other member state of the European Union.

You must also meet at least one of the following four qualifications:

- You are, and will continue to be, registered as a local government elector for the parish in which you wish to stand from the day of your nomination onwards.
- You have occupied as owner or tenant any land or other premises in the parish area during the whole of the 12 months before the day of your nomination and the day of election.
- Your main or only place of work during the 12 months prior to the day of your nomination and the day of election has been in the parish area.
- You have lived in the parish area or within three miles of it during the whole of the 12 months before the day of your nomination and the day of election.

#### **Disqualifications from standing**

There are certain people who are disqualified from being elected to a parish or community council in England and Wales.

You cannot be a candidate if at the time of your nomination and on the day

of the election, **any** of the following are true:

- You are employed by the parish council or hold a paid office under the parish/community council (including joint boards or committees),
- You are the subject of a bankruptcy restrictions order or interim order,
- You have been sentenced to a term of imprisonment of three months or more (including a suspended sentence), without the option of a fine, during the five years before polling day.
- You have been disqualified under the Representation of the People Act 1983 (which covers corrupt or illegal electoral practices and offences relating to donations) or under the Audit Commission Act 1998.

A person may also be disqualified from election if they have been disqualified from standing for election to a local authority following a decision of the First-tier Tribunal (formerly the Adjudication Panel for England or Wales).

If successful, you will be required to complete an entry in the council's register of members' interests. This involves putting your address, employment, relevant major shareholdings and membership of charities, pressure groups, political parties etc., on public record.



Full name	Title: First name: Other names: Surname:
Address	Phone: Email:
Will you be at least 18 years old on the date of the meeting?	Yes / No
In order for your eligibility to be confirmed, please tick all of the following that apply to you	<ol style="list-style-type: none"> <li>1. On the current electoral register for the Parish/Ward (on-going requirement; you are required to remain on the register throughout your term of office) <input type="checkbox"/></li> <li>2. Have lived in the parish or within 3 miles of the parish boundary during the whole of the 12 months before the day of nomination and election <input type="checkbox"/></li> </ol>

<p>For full detail on eligibility please refer to Staffordshire Moorlands District Council's Electoral Officer.</p>	<p>3. Main place of business during the last 12 months before the day of nomination and election is based in the parish</p> <p style="text-align: right;"><input type="checkbox"/></p> <p>4. Occupy as owner or tenant property within the parish for 12 months before the day of nomination and election</p> <p style="text-align: right;"><input type="checkbox"/></p>
<p>Please indicate in no more than 100 words why you would like to join the Town Council</p>	