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CO-OPTION POLICY AND PROCEDURES

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1.0 Introduction

- 1.1 This policy is based on the National Association of Local Councils (NALC) Legal Briefing L15-08 - Good Practice for the Selection of Candidates for Co-option to Local Councils.
- 1.2 Town and Parish Councils are permitted to exercise the power to co-opt a person onto the Council to fill a casual vacancy when the requirements to hold an election have not been met (once 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 Returning Officer.
- 1.3 Although seeking 'expressions of interest' is not a legal requirement, 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.
- 1.4 Whenever the need for co-option arises, Shepton Mallet Town Council will seek and encourage applications from anyone in the town who is eligible to stand as a town councillor. Councillors or parishioners can legal approach individuals to suggest that they might wish to consider putting their names forward for co-option.
- 1.5 The notice to co-opt will include: the method by which applications can be made; the closing date for all applications; a contact point to obtain more information and where information can be sources electronically.
- 1.6 The co-option policy will be reviewed at the beginning of each new council term (usually four years).

2.0 Co-option - Stage 1

- 2.1 The co-option of a town councillor occurs when a casual vacancy has arisen on the council and no poll (by-election) has been called. A casual vacancy occurs when one of the following occurs during the council's term of office:
 - A councillor fails to make their 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 months to attend a meeting when summoned to do so and their apologies are not accepted.
- 2.2 Shepton Mallet Town Council will notify the principal authority of a causal vacancy and then give notice of the vacancy to give electors the opportunity to request an election. This occurs when ten electors write to the principal authority stating that an election is requested.
- 2.3 If a by-election is called, a polling station will be organised by the principal authority and polling cards sent to residents. Shepton Mallet Town Council will be expected to pay the costs incurred with a by-election.
- 2.4 If more than one candidate is nominated, a by-election will take place. When there is only one candidate they are duly elected without a ballot.

- 2.5 If ten residents do not request a ballot within the fourteen days of the public notice being posted, the principal authority will inform Shepton Mallet Town Council that they can proceed with co-option, as follows:
- Advertise the vacancy for four weeks on the council noticeboards and website.
 - Advise the council that the co-option policy has been instigated.

3.0 Co-option - Stage 2

- 3.1 Insufficiency of candidates at an ordinary election also provide the town council with authority to exercise its rights to co-opt any person or persons to fill any vacancies within thirty-five days following the date of the ordinary election.

4.0 Eligibility of Candidates

- 4.1 The town council can consider any person to fill a vacancy provided that:
- They are on the parish electoral register; or
 - They have resided in the parish for the past twelve months or rented/tenanted land in the parish; or
 - Their principal place of work is in the parish; or
 - They live within three miles (direct) of the parish.
- 4.2 There are certain disqualifications for election, as follows:
- 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 in relation to corrupt or illegal practice.
- 4.3 Eligibility of the candidates will be confirmed at Full Council by the Clerk, as per the Local Government Act 1972, s79 and s.80.
- 4.4 All eligible candidates will be invited to attend a meeting of the Full Council following the application deadline. If candidates are unable to attend, the meeting will not be rearranged.

5.0 Applications

- 5.1 To assist candidates, a co-option criterion has been prepared please refer to Appendix A. This will provide candidates with guidance on areas they may wish to include on their application forms.
- 5.2 Candidates will be requested to:
- Confirm their eligibility for the position of town councillor within the statutory rules (please refer to Appendix B) and
 - Submit information about themselves by completing an application form (please refer to Appendix C)
- 5.3 Following receipt of application(s) and at the next Full Council meeting there will be an agenda item, as follows:

'To receive and consider written applications for the office of Town Councillor and to co-opt a candidate to fill the vacancy for the ward of Shepton Mallet.'

- 5.4 Prior to Full Council, where applications for co-option will be considered, applications will be ideally circulated to all councillors at least three clear days prior to the meeting. If this is not possible, then applications will be tabled at the meeting and enough time allowed during the meeting for councillors to consider the applications. All applications will be marked 'strictly confidential' prior to circulation.

6.0 Full Council - Co-option Meeting

- 6.1 Candidates will have five minutes to introduce themselves to members, give information on their background and experience and explain why they wish to become a member of Shepton Mallet Town Council.
- 6.2 After presentation have been made, members will have the opportunity to ask candidates a few questions before proceeding to vote. Note: If a candidate is unable to attend the meeting, the application can still be considered and voting will be based on the application only.
- 6.3 The process will be carried out in a public session and there must be no discussion between members prior to a vote being taken. Note: where the council are discussing the merits of a candidate and personal attributes, this could be prejudicial, and the council should resolve to exclude members of the press and public.
- 6.4 If a candidate is a relative of a councillor, that councillor should declare a prejudicial interest and withdraw from the meeting.
- 6.5 When all candidates have finished giving their submissions, the council will proceed to vote with each candidate being proposed and seconded by the councillors in attendance and a vote by a show of hands. A recorded vote may be requested (local Government Act 1972, section 12, para.39)
- 6.6 In order for a candidate to be elected to the council, it will be necessary for them to obtain an absolute majority of votes cast (50% plus 1 of the votes available at the meeting).
- 6.7 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.
- 6.8 Only those 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. The Chair has the casting vote. Votes cannot be made by proxy.
- 6.9 The Clerk will notify Electoral Services of the new councillor appointment, initiate Acceptance of Office paperwork and 'Registration of Interests' within twenty-eight days of being elected.
- 6.10 If insufficient candidates come forward for co-option, the process should continue whereby the vacancies are advertised again.

6.11 Where the number of candidates is less than, or equal to, the number of vacancies, valid candidates must be appointed.

7.0 Elected Councillors - Co-option

7.1 Successful co-opted candidates, upon signing their declaration of acceptance of office, become councillors with immediate effect and are no different to any other member.

7.2 Any application can be considered in a candidate(s) absence but, if successful, members would need to agree for him/her to sign the Declaration of Acceptance of Office in accordance with Local Government Act 1972, Section 83(3), either before or at the next Full Council meeting.

8.0 Applying for a Casual Vacancy

8.1 Candidates who are interested in applying for a casual vacancy need to wait until the public notice appears. Candidates can write to the Town Council directly expressing their interest in the casual vacancy and request that it considers their application when it has authority to co-opt (please refer to item no.2 - Co-option stage 1).

9.0 Review

9.1 This policy was reviewed by the Policy and Resources Committee on ??????? minute number ??????. The next review date is ?????.

10.0References

- Data Protection Act 1998
- Equality Act 2010
- Employment Rights Act 1996
- The Human Rights Act 1998
- Local Government Act 1972 Sch12 para 39
- Local Government Act 1972 s.79 and s.80
- Local Government Act 1972 s83(3)
- NALC Legal Topic Note 8

APPENDIX A

Councillor Person Specification

Competency	Essential	Desirable
Personal Attributes	<ul style="list-style-type: none"> • Sound knowledge and understanding of local affairs and the local community • Forward thinking 	<ul style="list-style-type: none"> • Can bring a new skill, expertise or key local knowledge to the Council.
Experience, Skills, Knowledge and Ability	<ul style="list-style-type: none"> • Ability to listen constructively • A good team player • Ability to undertake 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 parish councils, principal authority, charities) • Ability and willingness to undertake induction training and other relevant training • Ability and willingness to attend meetings of the Council • Ability and willingness to represent the town Council at other meetings as necessary 	<ul style="list-style-type: none"> • 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.

APPENDIX B

Councillor Eligibility Form

Are you a British subject, citizen of the Commonwealth or a citizen of the European Union?	Yes/No
On the 'relevant date' (i/e/ the day on which you are nominated or if there is a poll on the day of election) are you 18 years of age or over?	Yes/No
Are you registered as a local government elector for the town of Shepton Mallet	Yes/No
During the whole of the twelve months preceding the date of your co-option, have you occupied as owner or tenant, land or other premises in the town of Shepton Mallet?	Yes/No
Under the Local Government Act 1972, section 80, a person is disqualified from being elected as a local councillor or being a member of a local council if specific criteria are not met:	
Are you an employee of Shepton Mallet Town Council?	Yes/No
Are you the subject of a bankruptcy restrictions order or interim order?	Yes/No
Within the last five years, have you been convicted of an offence in the UK, 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 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

Declaration

I, *please insert full name*, hereby confirm that I am eligible for the vacancy of Shepton Mallet Town Councillor and the information given on this form is a true and accurate record.

APPENDIX C

Application for Co-option

First Name	
Surname	
Address, including postcode	
Mobile	
Landline	
Email	
<p>Please tell us what experience you can bring to Shepton Mallet Tow Council – for example, previous local government experience, work in the voluntary or charitable sector and/or business experience. (Please continue on an additional page if required.)</p>	
<p>Please tell us the skills that you can bring to Shepton Mallet Town Council – for example, professional qualifications, financial or project management expertise. (Please continue on an additional page if required.)</p>	
<p>Please explain why yu are interested in becoming a town councillor. (Please continu on an additional page if required.)</p>	

Please include any other information you would like to add in support of your application.
(Please continue on an additional page if required.)

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

Declaration

I declare that the information I have provided in this application is, to the best of my knowledge, accurate and true.

Signature:

Date:

Print Name:

Privacy Notice

Shepton Mallet Town Council is committed to protecting and respecting the privacy of everyone and ensuring it is fully compliant under the General Data Protection Regulations and the Data Protection Act 2018. We process your personal data in accordance with the law, please see the [privacy policy](#) on our website which provides more details on the processing of data.

Please send the completed eligibility and application forms to:

The Town Clerk
Shepton Mallet Town Council
1 Park Road
Shepton Mallet BA4 5BS

Or by email to town.clerk@sheptonmallet-tc.gov.uk

For official use only:

Application checked	
Application acknowledged	
Date of Council meeting	
Application decision Yes/No	
Applicant notified of decision	

APPENDIX D

Co-option Advert



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COUNCILLOR VACANCY - NOTICE OF CO-OPTION

Shepton Mallet Town Council
East/West Ward (delete as applicable)

Vacancy for a Councillor to be filled by co-option

The above Parish Council will consider filling by co-option a casual vacancy for
a Councillor at its meeting to be held

on

at

Anyone interested in serving the community in this way and want to become a candidate for co-option should obtain an application form for candidacy from the clerk. (also available on the town council website www.sheptonmallet-tc.gov.uk. Completed application forms should be returned to the clerk by:(date)

Information on eligibility the role of the parish council and its schedule of meetings may be obtained from the clerk and/or the chairman

Clerk Mrs Claire Commons
 Town.clerk@sheptonmallet-tc.gov.uk

Chair :

Date: