



Halstead Town Council

Co-option Policy and Procedure

Introduction

This procedure is based on NALC Legal Briefing L15-08 – Good practice for selection of candidates for co-option to local Councils. Insufficiency of candidates at an ordinary election Provided that those elected constitute at least a quorum (Four) the council (e.g. those elected unopposed) may co-opt any person or persons to fill the vacancies within 35 working days. If this is not done within the timescale the Braintree District Council (BDC) returning officer may then exercise their powers to hold a further election or to take other appropriate action to fill the vacancies.

Casual vacancies

According to section 87 of the 1972 Act, a casual vacancy occurs when:

- a) a councillor fails to deliver their declaration of acceptance of office at the proper time
- b) a councillor resigns;
- c) a councillor dies;
- d) in the case of a councillor who is disqualified by virtue of a criminal conviction, under section 79 of the Local Government Act 2000 (Wales) or under section 34 of the Localism Act 2011 (England), the expiry of the period for making an application or appeal or, if an appeal or application has been made, the date that any such application or appeal process comes to an end.
- e) on the date of a report or certificate of an election court that declares an election void;
- f) a person ceases to be qualified to be a councillor for a reason not mentioned above;
- g) a councillor fails to attend meetings for six consecutive months. Parish and 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 for fourteen working days and at least 10 registered electors have written to the returning officer requesting an election by the deadline date).

Procedure

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. Once a casual vacancy occurs, the Town Clerk will inform BDC and the vacancy will be displayed publicly on Town council noticeboards, website and social media giving the deadline date for requests for an election to be received by the BDC returning officer.

If BDC confirm that the requirements to hold an election are not met, Halstead Town Council will advertise the vacancy to seek and encourage expressions of interest of persons to be

co-opted by a specified date from anyone living or working in Halstead or within 3 miles of its boundaries who is eligible to stand as a Town Councillor.

Application process

1. Applicants are strongly advised to attend at least one Town Council meeting as members of the public before applying to become a Councillor.

2. Applicants should also familiarise themselves with the following information:

- Standing Orders
- The code of conduct
- Financial Regulations
- And the most recent minutes of the Council

all of which can be found on the Town Council website: www.halsteadtowncouncil.org.uk

3. The Clerk will send a copy of this policy or a link to it on the website, (which includes the co-option application form in Appendix B) and confirmation of the particular ward that the vacancy is in to anyone who requests it. The Clerk will also make available a copy of the *Good councillor's guide*

4. 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/vacancies'. This will be a private session to be held at the end of all other business.

5. Copies (with personal contact information removed) 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.

6. All such documents will be treated by the Clerk and all town councillors as strictly private and confidential and should be disposed of as soon as it is no longer required in line with UK GDPR.

At the meeting designated for a decision:

7. The Clerk will confirm that each candidate has signed and stated they are qualified to become a Councillor and is not disqualified from being a Councillor as set out in the Local Government Act 1972 s79 and s80.

8. Where the number of candidates is less than or equal to the number of vacancies, the candidates shall then be appointed to the council, if they meet the section 79 eligibility criteria and they are not disqualified.

9. Where the number of candidates is more than the number of vacancies, The Chair will offer the opportunity for debate on the order of priority to offer co-option.

10. The vote will be by a show of hands on the acceptability of each candidate for co-option, utilising the 'person specification' criteria set out in Appendix A and the expression of interest form completed by candidates; no other information about or from a candidate will be passed on to the meeting by the Clerk.

11. An absolute majority vote is required for each candidate from all members present and entitled to vote (LGA 1972 Sch. 12. Para 39 (50% + 1)) (The applicant with the least number

of votes casted will be deleted and the vote taken again and again etc. until the number of candidates equals the number of vacancies)

12. A vote will then be taken to select the order in which acceptable candidates (decided by the vote at 11. above) should be approached to offer co-option on this occasion.

13. Following the meeting the Clerk or the Chair will contact and offer co-option to candidate(s), in the order of priority determined by the vote at 11. above.

14. If the first choice does not accept the post, then the second is to be approached and so on until the ranking list is exhausted.

15. The Clerk will then notify Electoral Services of the new Councillor appointment, initiate acceptance of office paperwork and registration of interest and organise amendment of the Town Council website and records accordingly.

16. Assuming that the co-option position is filled, and all paperwork completed, the appointment will be formally ratified at the next Full Council meeting.

17. The Clerk will then organise a suitable training and development programme for the new councillor utilising suitable training such as recommended by EALC or NALC.

18. If no one accepts the vacant post(s), the whole process is to be repeated when new individuals expressing interest are identified. Advertisement may continue.

Appendix A: Co-Opted Councillor Person Specification Personal Attributes

All potential candidates will be requested to put their request for consideration by completing an application form (See Appendix B).

Competence	Required	desirable
Personal attributes	• Sound knowledge and understanding of local affairs and the local community. • forward thinking • Motivated and enthusiastic	Can bring new skills, expertise or key local knowledge to the Council
Experience, Skills, Knowledge and Ability	• Be contactable by phone and email • Ability to listen constructively • A good team player • Ability to pick up and run with a variety of projects • Solid 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 (eg voluntary groups, other town councils, principal authority, charities, etc • Ability and willingness to undertake induction training and other relevant training	• Be literate in IT regarding use of social media and websites. • Experience of working or being a member in a local authority or other public body • 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
Circumstances	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	

Appendix B – Halstead Town Council co-option application

Full name	
Address	
Postcode	
Mobile number	
Email address	
Ward applying for	

Legal qualifications for being a councillor

Please ring the appropriate criteria that you are claiming from the list below. If applicable you can claim as many of these criteria as possible to support your application. Section 79 (1) of the Local Government Act 1972 (the 1972 Act) provides, unless disqualified (see below) a person is qualified to be elected and to be a Councillor if he is a qualifying Commonwealth citizen or an EU citizen and on the day on which they are co-opted they are 18 years of age or over and:

- a) On that day they are and thereafter they continue to be a local government elector for the area of the authority;
- b) They have during the whole of the 12 months preceding that day occupied as owner or tenant any land or premises in that area;
- c) Their principal or only place of work during that 12 months has been in that area;
- d) They have during the whole of those 12 months resided in that area;
- e) They have during the whole of those 12 months resided either in the town or within three miles of it.

A person is a qualified Commonwealth citizen if they are a Commonwealth citizen who either:

- is not a person who requires leave under the Immigration Act 1971(the 1971 Act) to enter and remain in the United Kingdom,
- is such a person but for the time being has (or is, by virtue of any enactment, to be treated as having) indefinite leave to remain within the meaning of the 1971 Act.

A person is not a qualifying Commonwealth citizen if they do not require leave to enter or remain in the United Kingdom by virtue only of section 9 of the 1971 Act (exceptions to requirement for leave in special cases) With reference to c) above, a person is qualified for re-election under paragraph c) if they are already a councillor

Disqualifications for holding office as a Councillor.

In accordance with section 80 of the 1972 Act, a person is disqualified from being elected (coopted) or being a Councillor if they:

- a) hold any paid office or employment (other than the office of Chair, Vice Chair or Deputy Chair) to which they have been appointed by the council or any committee or sub committee of the council, or by a paid officer of the council, or by any joint committee on which the council is represented;
- b) is the subject of a bankruptcy restrictions order, an interim bankruptcy restrictions order, a debt relief restrictions order or an interim debt relief restrictions order under schedule 4ZB of the Insolvency Act 1986;

c) has within five years before the day of election or since their election been convicted of any offence and sentenced to a term of imprisonment of at least three months (whether suspended or not) without the option of a fine;
d) has been found guilty of corrupt or illegal practices, or was responsible for incurring unlawful expenditure and the court orders their disqualification. In relation to a) above, when dealing with an office of profit, it is irrelevant that no profit was actually received.

Please give a brief narrative about yourself and outline why you are interested in being a Halstead Town Councillor.

Please tell us something about the skills and experience you feel you will bring to the Council, for example, professional qualifications, financial, event or project management expertise, previous local government experience, work in the voluntary or charitable sector, business experience etc.

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. Your information will be held in confidence and not disclosed to third parties.

Declaration & Consent

I hereby confirm that I am eligible for the vacancy of Halstead 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 visited the Town Council website and read the documents listed in Paragraph 2 of the Halstead Town Council Co-option Policy and Procedure. I have read the section above entitled "Use of Personal Information" and by signing this form I consent to the use and disclosure of my information included in this form. I understand that a Town Councillor is a public position and therefore, should I be successful with this application, my Name Image and possibly my contact details (email and telephone) may be made public on the Town Council Website in order to properly fulfil my function.

SIGNED.....

NAME.....

DATE

Return completed forms by email or post to:
townclerk@halsteadtowncouncil.org.uk

**Town Clerk
Halstead Town Council
Queens Hall
Chipping Hill
Halstead CO9 2BY**