



POLICY TITLE	Casual Vacancy Co-option Policy
POLICY NO	29
APPROVAL DATE	Approved by Town Council 22 October 2020
REVIEW DATE	
REPLACES POLICY	New Policy
POLICY AIM	This policy sets out the procedure to ensure there is compliance with legislation and continuity of procedures in the co-option of members to Cullompton Town Council. The Co-option procedure is entirely managed by Cullompton Town Council and this policy will ensure that a fair and equitable process is carried out.

1. Co-option

- 1.1 The Co-option of a Parish Councillor occurs when a casual vacancy has arisen on the Council and no poll (by election) has been called. A casual vacancy occurs when:
- i. A councillor fails to make his declaration of acceptance of office at the proper time;
 - ii. A councillor resigns;
 - iii. A councillor dies;
 - iv. A councillor becomes disqualified; or
 - v. 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.
- 1.2 Cullompton Town Council has to notify the District Council of a Casual Vacancy and then advertise the vacancy and give electors the opportunity to request an election. This occurs when ten electors write to the District Council stating that an election is requested.
- 1.3 If a by-election is called, a polling station will be set up by the District Council and the people of the parish will be asked to go to the polls to vote for candidates who will have put themselves forward by way of a nomination paper. Cullompton Town Council will pay the costs of the election. The people of the parish have fourteen

days (not including weekends, bank holidays and other notable days), to claim the by-election, but the electoral officer will advise the clerk of the closing date.

- 1.4 If more than one candidate is then nominated a by-election takes place but if only one candidate is put forward they are duly elected without a ballot.
- 1.5 If ten residents do not request a ballot within fourteen days of the vacancy notice being posted, as advised by the District Council, Cullompton Town Council is able to co-opt a volunteer.

2. Confirmation of Co-option

- 2.1 On receipt, of written confirmation, from the Electoral Services Office from the District Council, the casual vacancy can be filled by means of Co-option, the Parish Clerk will:
 - i. Advertise the vacancy for four weeks on the Council notice boards and website; and
 - ii. Advise Cullompton Town Council that the Co-option Policy has been instigated.
- 2.2 The Co-option process will take place as soon as is practicable as it is not desirable that electors in a particular ward be left partially or fully underrepresented 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 equitably, to provide a broad cross-section of skills and interests or to achieve meeting quorums without difficulty.
- 2.3 Councillors elected by co-option are full members of Cullompton Town Council although are not eligible to claim an allowance.

3. Eligibility of Candidates

- 3.1 Cullompton Town Council is able to consider any person to fill a vacancy provided that:
 - i. He or she is an elector for the parish; or
 - ii. has resided in the parish for the past twelve months or rented/tenanted land or other premises in the parish; or
 - iii. had his or her principal place of work in the parish; or
 - iv. has lived within three miles (direct) of the parish.
- 3.2 There are certain disqualifications for election, of which the main are (see 5. 80 of the Local Government Act 1972):
 - i. holding a paid office under the local authority;
 - ii. bankruptcy;
 - iii. 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

- iv. being disqualified under any enactment relating to corrupt or illegal practices.
- 3.3 The application form will require candidates to declare that they meet the qualification criteria for holding office and are not disqualified for any reason.
- 3.4 Candidates found to be offering inducements of any kind will be disqualified.

4. Applications

- 4.1 Members may point out the vacancies and the process to any qualifying candidate(s).
- 4.2 Although there is no statutory requirement to do so, candidates will be requested to:
 - i. Submit information about themselves, by way of completing a short application form (Appendix A).
 - ii. Confirm their eligibility for the position of Councillor within the statutory rules (Appendix B).
- 4.3 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 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.
- 4.4 Candidates will be sent an electronic copy by email of the full agenda 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.

5. At the Co-option Meeting

- 5.1 Where there are co-options for more than 1 ward to be dealt with they will be taken on a ward by ward basis; the whole process for each ward, including voting, being completed before moving on to the next ward.
- 5.2 Candidates will be given a maximum of 5 minutes to introduce themselves to Members, give information on their background and experience and explain why they wish to become a Member of Cullompton Town Council. The process will be carried out by adjourning the meeting to allow the candidate(s) to speak. Discussion about the applications will take place in council session without intervention from the candidates or members of the public
- 5.3 Councillors may ask questions of the candidates but must take care to ensure that all candidates are given the opportunity to provide the same information.

- 5.4 When all candidates have finished giving their submissions, the council will reconvene and proceed to the voting stage of the process.
- 5.5 Where the number of candidates equals or is less than the number of vacancies the following proposal will need to be made and seconded by a Councillor *“that there being XX vacancy and XX candidate(s), namely xxxxx yyyy in accordance with legislation and the Town Council’s policy the Council formally declares the casual vacancy filled by xxxxx yyyy*
- 5.6 Where the number of candidates exceeds the number of vacancies Councillors will proceed to a vote on the acceptability of each candidate utilising the ‘person specification’ criteria set out in Appendix C and any personal statements provided by candidates.
- 5.7 To enter into the voting process a candidate must be proposed and seconded by a Councillor, any candidate who is not proposed and seconded will not proceed any further in the process.
- 5.8 At the start of the voting process the Chair will ask Councillors to propose and second any of the candidates, the voting will be between all of the candidates who have been duly proposed and seconded. If there are more than two candidates and there is no candidate with an absolute 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.
- 5.9 Councillors have 1 vote in each round of the voting process except in the case of an equality of votes where the meeting Chairman of the meeting has a second, casting, vote.
- 5.10 In order for a candidate to be co-opted to Cullompton Town Council, it will be necessary for them to obtain an absolute majority of votes available.
- 5.11 Every Councillor can choose to vote for one candidate or abstain from the vote. For the purposes of calculating the absolute majority, abstentions will not be included in the votes cast and will be counted separately. The absolute majority required by a candidate will therefore be 50% + 1 of the votes cast in their favour at the meeting.
- 5.12 Voting will be in public by a show of hands, there will be no option for a secret ballot, (see Standing Order 3 s(iii))
- 5.13 If so requested by a member of the council, the vote will be recorded so as to show whether each Councillor present and voting gave his or her vote for, against or abstained.
- 5.14 If an absolute majority of votes is not attained by either of the final two candidates remaining in the voting process, the vacancy will remain unfilled.

- 5.15 After the vote has been concluded, the Chairman will declare the successful candidate duly co-opted. They will be invited to sign their declaration of acceptance of office and then take a place at the meeting table and contribute to the debate of any remaining agenda items however they will not have a vote as they were not summoned to attend the meeting.
- 5.16 The Clerk will notify Electoral Services of the new Councillor appointment. The successful candidate(s) must complete the 'registration of interests' within 28 days of being elected. The form should be handed to the Clerk for forwarding to the Monitoring Officer.
- 5.17 If insufficient candidates come forward for co-option or a vacancy remains unfilled after the voting process described at 5.3 – 5.4 has concluded, the co-option process should continue, whereby the vacancies are again advertised.

CO-OPTION ELIGIBILITY DECLARATION

1. In order to be eligible for co-option to Cullompton Town Council, you must be a British subject, or a Citizen of the commonwealth or European Union and, on the relevant date (i.e. the day on which you are nominated or, if there is a poll, the day of the election) be 18 years of age or over. You must also be able to meet one of the following eligibility criteria set out below (please tick which applies to you):

I am registered as a local government elector for the parish; or

I have, during the whole of twelve months preceding the date of my co-option, occupied as owner or tenant, land or other premises in the parish; or

My principal or only place or work during those twelve months has been in the parish; or

I have, during the whole of twelve months, resided in the parish or within 3 miles of it.

2. Please note that under Section 80 of the Local Government Act 1972, a person is disqualified from being elected as a local Councillor or being a member of a local council if he or she is:

a. Holds any paid office or employment of the local council (other than the office of Chairman) or of a joint Committee on which the council is represented; or

b. Is a person who has been adjudged bankrupt or has made a composition or arrangement with his or her creditors. This disqualification for bankruptcy ceases in the following circumstances:

i. If the bankruptcy is annulled on the grounds that either the person ought not to have been adjudged bankrupt or that his or her debts have been fully discharged;

ii. If the person is discharged with a certificate that the bankruptcy was caused by misfortune without misconduct on his or her part;

iii. If the person is discharged without such a certificate.

In 2ai or 2a ii above, the disqualification ceases on the date of the annulment and discharge respectively.

In 2aiii above, it ceases on the expiry of 5 years from the date of discharge; or

- c. Has, within 5 years before the day of election or since his or her election, been convicted in the UK, Channel Islands or Isle of Man of any offence and has been sentenced to imprisonment (whether suspended or not) for not less than 3 months without the option of a fine; or
- d. Is otherwise disqualified under Part III of the Representation of the People Act 1983 for corrupt or illegal practices.

DECLARATION

I (insert full name) _____ hereby confirm that I meet the qualification criteria and am not disqualified for any reason from holding the office of Councillor at Cullompton Town Council and that the information provided on this form is, to the best of my knowledge, true and accurate.

Signed:

Date:

CO-OPTED 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 pick up and run with a variety of projects and a 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 (e.g. voluntary groups, other parish councils, principal authorities and charities). • Ability and willingness to undertake induction training and other relevant training. 	<ul style="list-style-type: none"> • Experience of working or being a member in a local authority or other public body. • Experience or working with voluntary and/or local community or interest groups. • Basic knowledge of legal issues relating to town and parish councils or local authorities. • Experience of delivering presentations. • IT literate
Circumstances	<ul style="list-style-type: none"> • Ability and willingness to attend meetings of the council and it's Committees (or meetings of other local authorities and local bodies) at any time and events in the evening and at weekends. 	