



BRACKLEY TOWN COUNCIL

Co-Option Policy

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1. Introduction

- 1.1 This policy sets out the procedure to ensure there is compliance with legislation and continuity of procedures in the co-option of members to Brackley Town Council.
- 1.2 The co-option procedure is entirely managed by the Council, and this policy will ensure that a fair and equitable process is carried out.
- 1.3 The co-option of a town councillor occurs in two instances:
- When an ordinary vacancy has arisen on a Town Council after the ordinary elections held every four years,
 - When a casual vacancy has arisen on a Town Council and no poll (by-election) has been called.
- 1.6 The Council is composed of four wards: North, South, East and West.

2. Ordinary vacancy

- 2.1 An ordinary vacancy occurs when there are insufficient candidates to fill all the seats on a Town Council at the ordinary elections held every four years. Any candidates who were nominated are automatically elected to the Town Council and any remaining vacancies are known as “ordinary vacancies”. Provided there are enough Town Councillors to constitute a quorum, the Town Council is usually able to co-opt a volunteer to fill the vacancies.

3. Casual vacancy

- 3.1 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,
 - A councillor fails for six (6) months to attend meetings of a council committee or sub-committee or to attend as a representative of the council a meeting of an outside body.
- 3.2 A Town Council has to notify the Unitary Council of a casual vacancy and then advertise the vacancy and give electors for the ward the opportunity to request an election. This occurs when ten (10) electors write to the Unitary Council stating that an election is requested.
- 3.3 If a by-election is called, a polling station will be set up by West Northamptonshire Council and the people of the ward will be asked to go to the polls to vote for candidates who will have put themselves forward by way of a nomination paper. Brackley Town Council will pay the costs of the election. The people of the ward have fourteen days (not including weekends, bank holidays and other notable days), to claim the by-election, but the Electoral Services Office of West Northamptonshire Council will advise the Clerk of the closing date.

3.4 If more than one (1) candidate is then nominated, a by-election takes place but if only one (1) candidate is put forward they are duly elected without a ballot.

3.5 If ten (10) residents do not request a by-election within fourteen (14) days of the vacancy notice being posted, as advised by the Electoral Services Office, the Town Council is able to co-opt a volunteer.

4. Confirmation of Co-Option

4.1 On receipt of written confirmation from the Electoral Services Office that no by-election has been claimed, the casual vacancy can be filled by means of co-option.

The Clerk will:

- Advertise the vacancy for four weeks or such other period as the Town Council may agree on the Town Council notice boards and website,
- Advise West Northamptonshire Council that the co-option policy has been instigated.

4.2 This procedure will also apply in the case of an ordinary vacancy where the Electoral Services Office has confirmed that there were insufficient nominations to fill all the seats but there are sufficient town councillors elected to constitute a quorum.

5. Eligibility of Candidates

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

- They are 18 or over,
- They are a British citizen, a qualifying Commonwealth citizen or a citizen of any other member state of the European Union;

and at least one of the following apply:

- They are an elector for the Parish and continues to be an elector,
- Or has resided in the Parish for the past twelve months or rented/tenanted land in the Parish,
- Or has had his/her principal or only place of work in the Parish for the past twelve months,
- Or has lived within three miles of the Parish for the past twelve months.

5.2 There are certain disqualifications for being a parish councillor, of which the main are (see s80 of the Local Government Act 1972):

- Holding a paid office or employment under 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.

6. Applications

6.1 Candidates will be requested to:

- Submit information about themselves, by way of completing a short application form.
- Confirm their eligibility for the position of parish councillor within the statutory rules.

6.2 Following receipt of applications, the next suitable Full 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'.

6.3 Eligible candidates will be invited to attend the meeting.

6.4 Copies 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 Council, when the co-option will be considered.

6.5 All such documents will be treated by the Clerk and all Town Councillors as strictly private and confidential.

7. Co-Option

7.1 At the Full Council meeting, candidates will be given five minutes maximum to introduce themselves to the Town Councillors (members), give information on their background and experience and explain why they wish to become a member of the Town Council. The process will be carried out in the public session and there will be no private discussions between members prior to a vote being taken. However, where the Town Council is discussing the merits of candidates and inevitably their personal attributes, this could be prejudicial, and the Town Council should resolve to exclude the members of the press and public.

7.2 Following the candidate presentations/addresses, members will proceed to a vote in the form of a show of hands, the candidates remain in the room during this process.

7.3 In order for a candidate to be co-opted to the 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.

7.4 Further rounds of voting will then take place with the process repeated until a candidate has an absolute majority. In the event of a tied vote, the Mayor has the casting vote.

7.5 If there is only one candidate for one vacancy, they are automatically co-opted to the council if they meet the eligibility criteria.

- 7.6 The candidate who is co-opted will sign a Declaration of Acceptance of Office, including an undertaking to abide by the Town Council's Code of Conduct, and may take office thereafter.
- 7.7 The Clerk will notify West Northamptonshire Council Electoral Services Office of the co-option of the new Town Councillor.
- 7.8 The co-opted Town Councillor is required to complete a Register of Interests form.
- 7.9 If insufficient candidates are co-opted, the process should continue, whereby the vacancies are again advertised.

Example of a vacancy notice

NOTICE UNDER LOCAL GOVERNMENT ACT (1972 (Section 87(2))

VACANCY FOR A COUNCILLOR

PUBLIC NOTICE IS HEREBY GIVEN

that a casual vacancy has occurred in the office of Councillor for the Parish of _____ following the resignation/death/failure to accept office of _____.

Rule 5(2) of The Local Elections (Parishes and Communities) (England and Wales) Rules 2006 now applies.

The rule allows TEN ELECTORS for the ward in which the casual vacancy has arisen to request the Proper Officer to hold an election to the vacancy.* That request must be made within FOURTEEN DAYS, calculated in accordance with the rules, **of the date of this notice. The fourteen-day period ends on _____.

What if a request to hold an election is not received during the permitted time?

Rule 5(5) of the above Rules will apply. The Parish Council must, as soon as practicable after the expiry of the fourteen-day period, co-opt a person to fill the vacancy.

The Proper Officer's address is:

Electoral Services, West Northamptonshire Council, Lodge Road, Daventry, NN11 4FP.

The telephone number for further guidance is 0300 126 7000 or email: electoralservices@westnorthants.gov.uk

This notice is dated _____

Name, _____, Clerk to _____ Parish Council

* There is no form of word for this request, which might simply be a letter headed with such words as 'We the undersigned being electors of the [Ward of] Parish, call for an election to fill the vacancy arising from the [death][resignation] of *. A template entitled "Request for an Election" is available from the Parish Clerk. It is helpful if the ten signatures are accompanied by printed names and addresses.

** In calculating the notice period, day one is the day following the date of this notice; a Saturday, Sunday, Christmas Eve, Christmas day, Good Friday or a bank Holiday or day appointed for public thanksgiving or mourning shall be disregarded, and the period closes at midnight on the fourteenth day after the date of this notice. Rule 5(2) of The Local Elections (Parishes and Communities)(England and Wales) Rules 2006 now applies.

Brackley Town Council

Councillor Co-option Application Form

The information you provide (personal information such as name, address, email address, phone number and other relevant information) will be processed and stored so that it is possible to contact you, respond to your correspondence and if co-opted retain information relating to your time in office with the Council. Your personal information will not be shared with any third party other than those related to a statutory or lawful requirement or with your consent.

When you contact us

The information you provide (personal information such as name, address, email address, phone number, organisation) will be processed and stored to enable us to contact you and respond to your correspondence, provide information and/or access our facilities and services. Your personal information will be not shared or provided to any other third party.

General Data Protection Regulations Consent to hold Contact Information

In signing the below form

I agree that I have read and understand Brackley Town Councils Privacy Notice. I agree by signing below that the Council may process my personal information for providing information and corresponding with me.

I agree that Brackley Town Council can keep my contact information data for an undisclosed time or until I request its removal.

I have the right to request modification on the information that you keep on record.

I have the right to withdraw my consent and request that my details are removed from your database.

Full name	
Home address Including postcode	
Telephone number	
Mobile telephone number	
Email Address	
Dated	Signed

Please answer the yes/no questions carefully as they set out the legal qualifications for being a parish councillor

Qualifications

Are you a British citizen, a Commonwealth citizen or a citizen of a European Union country?	Yes/No
Are you 18 or over?	Yes/No
You only need one of the following four qualifications but please say Yes to all that apply	
Are you on the electoral register for the parish?	Yes/No
Have you lived either in the parish, or within three miles of its boundary, for at least a year?	Yes/No
Have you been the owner or tenant of land in the parish for at least a year?	Yes/No
Have you had your only or main place of work in the parish for at least a year?	Yes/No

Disqualifications

Are you the subject of a bankruptcy restrictions order or interim order?	Yes/No
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 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

Although you may have no experience a Town Councillor what is your perception of the role of Brackley Town Council?

Lastly are there any questions you would like to ask us?

Signed.....

Date...../...../.....