

ELLESMERE TOWN COUNCIL

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Co-option Policy

1. Introduction

This policy sets out the procedure to ensure there is compliance with legislation and continuity of procedures in the co-option of members to Ellesmere Town Council. The Co-option procedure is entirely managed by ETC and this policy will ensure that a fair and equitable process is carried out.

2. Co-option Process

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:

- 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; or
- 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.

Ellesmere Town Council¹ has to notify Shropshire Council of a Casual Vacancy and then advertise the vacancy and give electors the opportunity to request an election in accordance with S87(2) Local Government Act 1972 (Public Notice). There is no statutory requirement to give public notice of local council vacancies which remain unfilled after an ordinary election (S21(2)). This occurs when ten electors write to Shropshire Council stating that an election is requested.

If a by-election is called, a polling station will be set up by Shropshire Council and the electors of the town will be asked to go to the polls to vote for candidates who will have put themselves forward by way of a nomination paper. ETC will pay the costs of the election.

If ten residents do not request a ballot within fourteen days of the vacancy notice being posted, as advised by Shropshire Council, the casual vacancy can be filled by means of Co-option. The Town Clerk will:

¹ Ellesmere Town Council

- Advertise the vacancy for four weeks on the Council notice boards and website
- Advise Councillors that the Co-option Policy has been instigated

ETC is not obliged to fill any vacancy. Even if the Council invites applications for co-option, it is not obliged to select anyone from the candidates who apply. However, it is not desirable that electors be left partially 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.

Councillors elected by co-option are full members of ETC.

3. Eligibility of Candidates

A person is eligible to be co-opted provided they are qualified to be a councillor pursuant to S79 of the 1972 Act.

ETC is able to consider any person to fill a vacancy provided that:

- He/she is an elector for the town; or
- has resided in the town for the past twelve months; or rented/tenanted land or other premises in the town; or had his/her principal place of work in the town; or
- lives within three miles (direct) of the town boundary.

There are certain disqualifications for standing as a Councillor, of which the main are (see 5. 80 of the Local Government Act 1972):

- holding a paid office within 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 five years preceding the election; and
- being disqualified under any enactment relating to corrupt or illegal practices. Candidates found to be offering inducements of any kind will be disqualified.

4. Applications

Members may point out the vacancies and the process to any qualifying candidate(s).

Although there is no Statutory Requirement to do so, candidates will be requested to:

- Submit information about themselves, by way of completing a short application form (Appendix A)
- Confirm their eligibility for the position of Councillor within the statutory rules (Appendix B).

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 candidate's applications will be circulated to all Councillors by the 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 Clerk and all Councillors as Strictly Private and Confidential.

Candidates will be sent a full agenda of the meeting at which they are to be considered for appointment, together with a copy of the Code of Conduct, Standing Orders and Financial Regulations of ETC.

Candidates will also be informed that they will be invited to speak about their application at the meeting.

5. At the Co-option Meeting

At the co-option meeting, each candidate in turn will be given a maximum of five minutes to introduce themselves to Members, give information on their background and experience and explain why they wish to become a Member of ETC. The Council will resolve to exclude the public and press from this part of the meeting in order to prevent the disclosure of any personal information and to allow discussion on the merits of candidates. All candidates will wait outside the meeting room and be asked to make their presentation to Council privately, leaving the meeting room when they have finished. Members may ask the candidate/s questions relating to their presentation.

As soon as all candidates have finished giving their submissions, the Council 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.

To proceed to a vote, a candidate must be proposed and seconded by councillors in attendance. In order for a candidate to be elected to ETC, 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. Further rounds of voting will then take place with the process repeated until a candidate has an absolute majority. In the case of an equality of votes, the Chairman of the meeting has a second or casting vote.

Voting will be by a secret ballot. The vote will be recorded so as to show the numbers of councillors voting for each candidate.

After the vote has been concluded, the public and press can be re-admitted to the meeting. The Clerk and Assistant Clerk will proceed to take the nominated candidate into a separate room to confirm that they are willing to accept the co-option seat. If accepted, one officer will leave to inform the others that they have been unsuccessful. This will be done discreetly and away from public or press. The successful candidate will return to the Council meeting where the Chairman will declare them duly co-opted and, after signing their declaration of acceptance of office, they may take their seat immediately. Unsuccessful candidates will receive a letter from the Town Mayor thanking them for their interest.

The Clerk will notify Electoral Services of the new Councillor appointment. The successful candidate(s) must complete their "registration of interests" within 28 days of being co-opted. The form should be handed to the Clerk for forwarding to the Monitoring Officer, Shropshire Council.

Adopted by Ellesmere Town Council on 2nd December 2019

APPENDIX A

Application for Co-option.

Thank you for your interest in becoming a Town Councillor. Please provide the below information to assist the council in making their decision.

Full Name & Title

Home Address

Home Telephone

Mobile Telephone

Email Address

About You: Please provide the council with some background information about yourself.

Reasons for applying

Please provide the council with your reasons for wanting to become a Town Councillor.

Signature

Your application also requires signatures of 2 registered electors (known as a proposer and seconder) from the town area:

	Proposer	Secunder
Name:		
Address:		
Signature:		

Please return your completed application to the Clerk to the council.

Your application will be considered at the next available Town Council meeting, where a vote will be held to decide whether the council agrees to co-opt you on to ETC.

Data Protection Act: The information provided on this application will remain Private and Confidential.

APPENDIX B

Co-option Eligibility Form

1. In order to be eligible for co-option as a Town Councillor you must be a British subject, or a citizen of the Commonwealth or the 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) 18 years of age or over; and additionally able to meet one of the following qualifications set out below. Please tick which applies to you:

- a) I am registered as a local government elector for the parish; or
- b) I have, during the whole of the twelve months preceding the date of my co-option, occupied as owner or tenant, land or other premises in the parish; or
- c) My principal or only place of work during those twelve months has been in the parish; or
- d) 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/she:

- 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/her creditors (but see below); or
- c) Has within five years before the day of election, or since his/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 three 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.

This disqualification for bankruptcy ceases in the following circumstances:

- 1) If the bankruptcy is annulled on the grounds that either the person ought not to have been adjudged bankrupt or that his/her debts have been fully discharged;
- 2) If the person is discharged with a certificate that the bankruptcy was caused by misfortune without misconduct on his/her part;
- 3) If the person is discharged without such a certificate.

In 1) and 2) above, the disqualification ceases on the date of the annulment and discharge respectively. In 3) it ceases on the expiry of five years from the date of discharge.

DECLARATION, I..... hereby confirm that I am eligible for the vacancy of Ellesmere Town Councillor, and the information given on this form is true and accurate record.

Signature.....

Date.....

Ellesmere Town Council is duty bound to treat this information as strictly confidential.