

# North Tawton Town Council

## Co-option Policy & Procedure – adopted by NTTC 2 March 2021

### 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 North Tawton Town Council (NTTC or the Council). The co-option procedure is entirely managed by NTTC and this policy will ensure that a fair and equitable process is carried out.

### 2. Co-option

The co-option of a Parish/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.

NTTC has to notify West Devon Borough Council (WDBC) 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 WDBC stating that an election is requested.

If a by-election is called, a polling station will be set up by WDBC 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. NTTC has to 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, the electoral officer will advise the clerk of the exact closing date.

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.

If ten residents do not request a ballot within fourteen days of the vacancy notice being posted, as advised by WDBC, NTTC is able to co-opt a volunteer.

### 3. Confirmation of Co-option

On receipt of written confirmation from the relevant department at WDBC that the casual vacancy can be filled by means of co-option, the Town Clerk will:

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

NTTC 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 are left partially or full under-represented for a significant length of time. Additionally, it impacts on the effective and efficient working of the Council if there are

too few 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 NTTC, exactly as if they had been elected.

#### **4. Eligibility of Candidates**

NTTC is able to consider any person to fill a vacancy provided that for the past 12 months they have:

- been an elector for the parish; or
- resided in the parish or rented/tenanted land or other premises in the parish; or
- had his/her principal place of work in the parish; or
- has lived within three miles (direct) of the parish.

There are certain disqualifications for election, of which the main are (*see 5. 80 of the Local Government Act 1972*):

- 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; and
- being disqualified under any enactment relating to corrupt or illegal practices.

Candidates found to be offering inducements of any kind will be disqualified.

#### **5. Applications**

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

Although there is no Statutory Requirement to do so, NTTC requires each candidate 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).
- Attend at least one full council meeting prior to submitting an application for co-option.

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 consider the co-option of a suitable candidate to fill the existing vacancy'.

Copies of the candidates' applications will be circulated to all councillors by the Clerk at least 3 clear days prior to the meeting of the full council at which 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 advised of the date they are expected to attend a full council meeting at which they are to be considered for appointment. Notification will be by email and a reply will be required. Candidates will be invited to speak about their application at the meeting.

#### **6. At the co-option meeting**

At the co-option meeting, candidates will be given five minutes maximum to introduce themselves to Members, give information on their background and experience, and explain why they wish to become

a Member of NTTC. The process will be carried out by adjourning the meeting to allow the candidate to speak.

As soon as all candidates have finished giving their submissions, the council will proceed to a paper vote on the acceptability of each candidate, taking into account the personal statements provided by candidates.

- In order for a candidate to be elected to NTTC, they must 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 where the remaining two candidates have an equal number of votes, the final decision will be made by the toss of a coin.

*(Please note that this is the legal recommended process in this situation, as would be the drawing of straws for example, and is not uncommon in elections at all levels of government).*

After the votes have been concluded, the Chairman will declare the successful candidate duly elected and after signing their declaration of acceptance of office, may take their seat immediately.

The Clerk will notify WDBC of the new Councillor appointment. The successful candidate(s) must complete the 'registration of interests' form within 28 days of being elected. The form should be handed to the Clerk for forwarding to the Monitoring Officer.

If insufficient candidates come forward for co-option, the process of advertising the vacancies must be continued.

**If you have any queries about the co-option process please contact the NTTC Town Clerk or Assistant Clerk, by phone (01837 880121) , email [townclerk@northtawtontowncouncil.gov.uk](mailto:townclerk@northtawtontowncouncil.gov.uk), or via the contact form on our website – [www.northtawtontowncouncil.gov.uk](http://www.northtawtontowncouncil.gov.uk)**

## APPENDIX A

### Application for Co-option

Thank you for your interest in becoming a North Tawton Town Councillor. Please complete this form to help the Council decide which candidate(s) to co-opt to the council.

**Note:** With regard to the 'About You' and 'Reasons for Applying' sections below, you can either fill in the form, or you will have an opportunity to speak to the Council and provide this information verbally at the relevant meeting of the Council.

<b>Full Name &amp; Title</b>	
<b>Home Address including post code</b>	
<b>Home phone number</b>	
<b>Mobile phone number</b>	
<b>Email Address</b>	

#### **About You**

Please provide the council with some background information about yourself.

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**Reasons for applying**

Why do you want to become a Town Councillor?

You must sign and date this form:

<b>Signature and date</b>	
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Please return your completed application to the Town Clerk. Your application will be considered at a future meeting of NTTC (date to be confirmed for each co-option process) where a vote will be held to decide whether the council agrees to co-opt you to North Tawton Town Council.

Data Protection Act: The information provided on this application will remain private and confidential.

## APPENDIX B - Co-option Eligibility Form

**In order to be eligible for co-option as a North Tawton Town Councillor you MUST:**

- be a British subject, or a citizen of the Commonwealth or the European Union [note that as at March 2021 the relevant legislation re this wording has not yet been changed post-Brexit, and therefore this wording must remain as is).
- on the 'relevant date' (i.e. the day on which you are nominated or if there is a poll the day of the election) you must be aged 18 years of age or over; and
- additionally you are able to meet one of the following qualifications set out below.

**Please tick whichever applies to you:**

I am registered as a local government elector for the parish; <b>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; <b>or</b>	
My principal or only place of work during those twelve months has been in the parish; <b>or</b>	
I have during the whole of twelve months resided in the parish or within 3 miles of it	

**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:**

- 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
- Is a person who has been adjudged bankrupt or has made a composition or arrangement with his/her creditors (but see below); or
- 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
- 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:**

- i. 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;
- ii. If the person is discharged with a certificate that the bankruptcy was caused by misfortune without misconduct on his/her part;
- iii. If the person is discharged without such a certificate.

In i and ii above, the disqualification ceases on the date of the annulment and discharge respectively. In iii, 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 North Tawton Town Councillor, and the information given on this form is true and accurate record.

Signature.....

Date.....

**North Tawton Town Council is duty bound to treat this information as strictly confidential.**

## APPENDIX C

### CO-OPTED COUNCILLOR PERSON SPECIFICATION

Please read this document and consider the desirable and the useful qualities of a Town or Parish Councillor.

No-one should be deterred from applying for co-option based on whether they consider they can meet all or most of the competencies in this document, but taking account of the competencies that are desirable or useful may help you to decide whether you wish to apply to be co-opted onto the NTTC.

Applicants should also consider the NTTC Councillor Job Description attached at the end of this document.

COMPETENCY	DESIRABLE	USEFUL
<b>Personal Attributes</b>	Sound knowledge and understanding of local affairs and the local community.  Forward Thinking	<ul style="list-style-type: none"> <li>• Can bring a new skill, expertise, or key local knowledge to the Council.</li> </ul>
<b>Experience, Skills, Knowledge and Ability</b>	<ul style="list-style-type: none"> <li>• Ability to listen constructively.</li> <li>• A good team player</li> <li>• Ability to pick up and run with a variety of projects</li> <li>• Ability and willingness to represent the Council and their community.</li> <li>• Good interpersonal skills and able to contribute opinions at meetings whilst willing to see others views and accept majority decisions.</li> <li>• Ability to communicate succinctly and clearly.</li> <li>• Ability and willingness to work closely with other members and to maintain good working relationships with all members and staff.</li> <li>• Ability and willingness to work with the Council's partners (e.g. voluntary groups, other parish Councils, principal authority, charities).</li> <li>• Ability and willingness to undertake induction training and other relevant training. You must undertake initial Councillor training within 6 months of taking office.</li> <li>• Ability and willingness to attend occasional meetings with other bodies/authorities on evenings or more rarely at weekends if necessary.</li> </ul>	<p>Experience of working or being a member in a local authority or other public body.</p> <p>Experience of working with voluntary and or local community / interest groups.</p> <p>Basic knowledge of legal issues relating to town and parish Councils or local authorities.</p> <p>Experience of delivering presentations.</p>

<p><b>Circumstances</b></p>	<ul style="list-style-type: none"> <li>• 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.</li> <li>• Councillors have a duty to attend formal meetings of the Council, for which a summons to attend is issued – in other words, it is not an <u>invitation</u> to attend, you <u>must</u> attend unless you have an acceptable reason for not doing so.</li> <li>• If you are accepted as a Councillor you <b>must</b> read and familiarise yourself with the Good Councillor's Guide publication, and the NTTC Standing Orders.</li> <li>• You should also refer to the NTTC Town Councillors Job Description for more details as to the duties and responsibilities of a Town Councillor.</li> </ul>	
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## **NORTH TAWTON TOWN COUNCIL**

### **TOWN COUNCILLOR – JOB DESCRIPTION (2019)**

**Title:** Councillor

**Responsible to:** The Council and its electors.

**Responsible for:** Effective leadership to foster the interests of the electors and Parish.

**Role Purpose to:** Bring local issues to the attention of the council, help it make decisions on behalf of the local community and represent the views of parishioners within and outside the Parish.

#### **Main Duties and Responsibilities:**

1. You will be summoned to Town Council meetings and it is a duty to attend.
2. You will be expected to serve on 1 - 2 Committees.
3. To undertake appropriate training and development to help fulfil the requirements of the Councillor role.
4. As a Town Councillor you will be appointed as a Trustee to the Durant Trust and the Frank Henson Gibbings Memorial Park Charity.
5. To prepare for meetings and being properly informed about the issues to be discussed.
6. To take part in meetings and form sound judgements based on what is best for the community and then abide by majority decisions.
7. To represent the Council on outside bodies to which the Councillor is appointed and report back activities.
8. To maintain proper standards of behaviour and comply with the Council's Code of Conduct.
9. To fulfil the statutory and locally determined requirements of an elected member of a Local Authority and the Town Council, including compliance with all relevant codes of conduct and maintaining high ethical standards (including not disclosing confidential information and not using council resources for political purposes or for any other reason unless agreed by the Council).
10. To participate fully in the formation and scrutiny of the Council's policies, strategic plans, budgets and service delivery.
11. To keep up to date with significant developments affecting the Council at local, regional, and national levels.
12. To effectively represent the interests of the whole parish by listening to views from the community.