



# **Halewood Town Council**

## **Co-option Policy**

Gerry Allen  
Town Manager

Approved: February 2020

## **HALEWOOD TOWN COUNCIL**

**SUBJECT:** Co-option Policy

**APPLICABLE:** Town Councillors and Halewood residents

**APPROVED:** At Halewood Town Council (February 20<sup>th</sup> 2020)

**PUBLISHED:** March 13<sup>th</sup> 2020

**NEXT REVIEW DATE:** February 2022

### **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 Halewood Town Council. The Co-option procedure is entirely managed by Halewood Town Council and this policy will ensure that a legal, fair and equitable process is carried out.

### **2. Co-option**

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/her 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.

Halewood Town Council has to notify the Borough Council of a Casual Vacancy and then advertise the vacancy and give electors the opportunity to request an election. This occurs when ten electors of the ward where the vacancy occurs, write to the Borough Council stating that an election is requested.

If a by-election is called, polling stations will be set up by the Borough Council in the ward where the vacancy occurs and the electors of that ward will be asked to go to the polls to vote from a list of candidates who will have put themselves forward to stand for an election by way of a nomination paper. Halewood Town

Council will pay the costs of the election. The people of the township have fourteen days (not including weekends, bank holidays and other notable days), to claim the by-election, but the electoral officer of the Borough Council will advise the Town Manager of the 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 electors do not request a ballot within fourteen days of the vacancy notice being posted, as advised by the Borough Council, Halewood Town Council is able to co-opt a volunteer.

### **1. Confirmation of Co-option**

On receipt, of written confirmation, from the Electoral Services Office of the Borough Council, the casual vacancy can be filled by means of Co-option, the Town Manager will:

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

Halewood Town Council 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 in a particular ward be left partially or fully underrepresented for a significant length of time. Neither does it contribute to the 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 Halewood Town Council with all voting rights.

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

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

- He/she is an elector for the township; or
- Has resided in the parish for the past twelve months or rented/tenanted land or other premises in the township; or
- Had his/her principal place of work in the township; or
- Has lived within three miles (direct) of the township.

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 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.

## **5. 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 candidates' applications will be circulated to all Councillors by the Town Manager at least 3 clear days prior to the meeting of the Council, when the Co-option will be considered. All such documents will be treated by the Town Manager 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 Town Council's Code of Conduct, Standing Orders and Financial Regulations. Candidates will also be informed that they 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 Halewood Town Council. The process will be carried out by adjourning the meeting to allow the candidate to speak. As the Council will need to inevitably discuss the merits and

personal attributes of candidates, and this could be deemed prejudicial to the applicant and the Council, this item will be classified as exempt (in line with Section 100(A) of the Local Government Act, 1972).

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. Each candidate will be proposed and seconded by the councillors in attendance, and then a vote will be taken to ascertain the successful candidate(s).

In order for a candidate to be elected to Halewood 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. Further rounds of voting will then take place with the process repeated until a candidate has an absolute majority. The Chairperson does not have a casting vote for a Co-option election and therefore Standing Orders will be suspended for the duration of the co-option election to reflect that fact.

After the vote has been concluded, the Chairperson will declare the successful candidate duly elected and after signing their declaration of acceptance of office, the successful candidate may take their seat on the Council immediately.

The Town Manager will notify the Borough Council's Electoral Services office of the new Councillor appointment. The successful candidate must complete the 'registration of interests' within 28 days of being elected.

If insufficient candidates come forward for co-option or no candidate reaches the majority of votes cast (50% + 1 of the votes available at the meeting), the process continues, whereby the Council shall consider when the vacancies are to be advertised again.

**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.

<b>Full Name &amp; Title</b>	
<b>Home Address</b>	
<b>Home Telephone</b>	
<b>Mobile Telephone</b>	
<b>Email Address</b>	
<b>Which Ward are you applying for?</b>	<b>Halewood North / Halewood South</b>

<b>About You</b> 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 ward that you are tendering your application to be considered as a Town Councillor.

	<b>Proposer</b>	<b>Seconder</b>
<b>Name</b>		
<b>Address</b>		
<b>Signature</b>		

Please return your completed application to the Town Manager. 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 in to Halewood Town Council.

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 Halewood Town Councillor you must be a British subject, or a citizen of the Commonwealth; 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**

- a. I am registered as a local government elector for the township of Halewood; 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
- c. My principal or only place of work during those twelve months as been in the township; or
- d. I have during the whole of twelve months resided in the township 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:

- 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 Halewood Town Councillor, and the information given on this form is a true and accurate record.

Signature.....

Date.....

**APPENDIX C**

**CO-OPTED COUNCILLOR PERSON SPECIFICATION**

<b>COMPETENCY</b>	<b>ESSENTIAL</b>	<b>DESIRABLE</b>
<b>Personal Attributes</b>	<ul style="list-style-type: none"> <li>• Sound knowledge and understanding of local affairs and the local community.</li> <li>• Forward Thinking</li> </ul>	<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 Solid interest in local matters.</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> </ul>	<ul style="list-style-type: none"> <li>• Experience of working or being a member in a local authority or other public body.</li> <li>• Experience of working with voluntary and local community / interest groups.</li> <li>• Basic knowledge of legal issues relating to town and parish Councils or local authorities.</li> <li>• Experience of delivering presentations.</li> </ul>

	<ul style="list-style-type: none"> <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 and Town Councils, principal authority, charities).</li> <li>• Ability and willingness to undertake induction training and other relevant training.</li> </ul>	
<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> </ul>	