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CO-OPTION POLICY

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 Skipton Town Council. The co-option procedure is entirely managed by the Town Council, and this policy will ensure that a fair and equitable process is carried out.

1. CO-OPTION

The co-option of a Town councillor occurs in two instances:

When an ordinary vacancy has arisen on the Town Council after the ordinary elections held every four years, or when a casual vacancy has arisen on the Town Council and no poll (by-election) has been called.

A. Ordinary vacancy

An ordinary vacancy occurs when there are insufficient candidates to fill all the seats on the 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 generally able to co-opt a volunteer to fill the vacancies

B. Casual vacancy

i. 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 sub-committee or to attend as a representative of the council a meeting of an outside body.

ii. The Town Council must notify North Yorkshire 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 North Yorkshire Council stating that an election is requested.

iii. If a by-election is called, a polling station will be set up by North Yorkshire 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. The 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 North Yorkshire Council will advise the Clerk of the closing date.

iv. 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. If ten (10) residents do not request a ballot 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.

2. CONFIRMATION OF CO-OPTION

A. 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 North Yorkshire Council that the co-option policy has been instigated.

B. 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.

3. ELIGIBILITY OF CANDIDATES

A. The Town Council can consider any person to fill a vacancy provided that:

• he/she is 18 or over; and

• he/she is a British citizen or a qualifying Commonwealth citizen;

and at least one of the following apply:

• he/she is 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.

B. 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; or

• being disqualified under any enactment relating to corrupt or illegal electoral practices.

4. APPLICATIONS

A. Candidates will be requested to:

• Attend at least one Town Council meeting as observers;

• Submit information about themselves, by way of completing a short application form (a copy of the application form is attached as Appendix A);

• Confirm their eligibility for the position of parish councillor within the statutory rules, (a copy of the eligibility form is attached as Appendix B).

B. Following receipt of applications, the next suitable Town Council meeting will have an agenda item 'To receive written applications for the office of Town Councillor and to co-opt a candidate(s) to fill the existing vacancy (vacancies)'. Eligible candidates will be invited to attend the meeting.

C. Copies of the eligible candidates' applications will be circulated to all parish councillors by the Clerk at least 3 clear days prior to the meeting of the full Town Council, when the co-option will be considered.(See Para 6 Specifications for a co-opted councillor for essential and desirable skills).

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

5. AT THE CO-OPTION MEETING

A. At the co-option meeting, candidates will be given five minutes maximum to introduce themselves to the councillors (members), give information on their background and experience and explain why they wish to become a member of the 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 Council is discussing the merits of candidates and inevitably their personal attributes, this could be prejudicial, and the Council should resolve to exclude the members of the press and public.

B. As soon as all candidates have finished giving their submissions, the Council will proceed to a vote with each candidate being proposed and seconded by the councillors in attendance (as defined in the Standing Orders) and a vote by a show of hands (LGA 1972 Sch. 12. Para 13).

C. A recorded vote may be requested under Standing Order 8 to show whether each councillor present and voting, gave his/her vote for or against that question. Legislation does not provide for a proxy or postalvote.

D. For a candidate to be co-opted to the 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. Each councillor must vote, no abstention allowed. The Chairman may only use their casting vote if two successive voting rounds are stalemated.

E. Further rounds of voting will then take place with the process repeated until a candidate has an absolute majority.

F. If present, a candidate who is co-opted will sign at the co-option meeting a Declaration of Acceptance of Office, including an undertaking to abide by the Council's Code of Conduct, and may take office thereafter. If not present, a co-opted candidate will sign the Declaration of Acceptance of Office either before or at the next meeting of the Council.

G. The Clerk will notify North Yorkshire Council Electoral Services Office of the co-option of the new councillor.

H. The co-opted parish councillor will complete a Notification of Disclosable Pecuniary and Other Interests form which the Clerk will lodge with the Monitoring Officer at North Yorkshire Council within 28 days of the co-option.

I. If insufficient candidates are co-opted, the process should continue, whereby the vacancies are again Advertised

6. SPECIFICATION FOR A CO-OPTED COUNCILLOR

Competence	Essential	Desirable
Personal Attributes	Sound knowledge and understanding of local affairs and the local community and forward thinking.	Can bring new skills, expertise or key local knowledge to the Council
Experience, Skills, Knowledge and Ability	Ability to listen constructively • A good team player • Ability to pick up and run with a variety of projects • 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 (eg voluntary groups, other parish councils, principal authority, charities, etc)	• Experience of working or being a member in a local authority or other public body • Experience of working with voluntary and or local community/interest groups. • Basic knowledge of legal issues relating to town and parish councils or local authorities • Experience of delivering presentations.

	• Ability and willingness to undertake induction training and other relevant training. • Be contactable by phone and email.	
Circumstances	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.	

Skipton Town Council

Appendix 1

Skipton Town Council Co-option Application Form

Name	
Address	
Postcode	
Telephone Number	
Email Address	

Please state why you want to become a councillor and give details of any experience you have that is relevant to Skipton Town Council (if necessary, continue onto a separate sheet).

Skipton Town Council

Is there any information you would like to disclose regarding your application? (If necessary, continue onto a separate sheet).

Use of Personal Information The Council will use your information, including that which you provide on this application form, to assess your suitability to be a Councillor. Your information will be held in confidence and not disclosed to third parties

Declaration & Consent I have read the section entitled “Use of Personal Information” and by signing this form I consent to the use and disclosure of my information included in this application form. I declare the information given on this form to be true and correct. Signed Name Date

Please complete and return this form, together with the complete Co-option Eligibility Form to:

Mrs Louise Close- Chief Officer and Clerk to the Council

Armoury House, 45a Otley Street, Skipton, BD23 1EL

chiefofficer@skiptontowncouncil.gov.uk

Skipton Town Council

Skipton Town Council Co-Option Eligibility Form- Appendix 2

1. In order to be eligible for co-option as a Skipton Town Councillor you must satisfy certain criteria. You must satisfy (a) and (b) below and at least one of the options (c) – (f). Please tick which apply to you:

a. I am 18 years of age or over; and ☐

b. I am a British citizen or a citizen of the Commonwealth ☐

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

d. 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 ☐

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

f. I have during the whole of those 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 a parish/town councillor if he/she:
a) Is employed by the parish/town council or holds paid office (other than chairman, vice-chairman or deputy chairman) under the council (including joint boards or committees);
b) Is employed by an entity controlled by the council;
c) Is the subject of a bankruptcy restrictions order or an interim bankruptcy restrictions order or a debt relief restrictions order or an interim debt relief restrictions order; or
d) Has within five years before the day of co-option, or since his/her co-option, 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
e) Is otherwise disqualified under Part III of the Representation of the People Act 1983 (relating to corrupt or illegal electoral practices and offences relating to donations) or the Audit Commission Act 1998.

Use of Personal Information

The Council will use the information provided on this form to assess your eligibility to be a parish councillor. Your information will be held in confidence and not disclosed to third parties.

Declaration & Consent
I hereby confirm that I am eligible for the vacancy of Skipton Town Councillor and I am not disqualified under s80 of the Local Government Act 1972 from being a parish councillor and that the information given on this form is true and correct.
I have read the section entitled “Use of Personal Information” and by signing this form I consent to the use and disclosure of my information included in this form.
Signed

Name

Date

Skipton
Town Council