



Nelson
Town Council

Nelson Town Council

Town Hall

Market Street

Nelson

Lancashire BB9 7LG

Tel: 01282 697079

Email: info@nelsontowncouncil.gov.uk

Website: www.nelsontowncouncil.gov.uk

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 the 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.

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 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.

Parish Councils are permitted to exercise the power to co-opt a person on to the Council to fill a casual vacancy when the requirements to hold an election have not been met (i.e. The vacancy has been the subject of a public notice and less than 10 registered electors have requested an election by a deadline date specified by the Borough Returning Officer).

If a by-election is called, a polling station will be set up by the Borough Council 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. The Town Council will 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, but the electoral officer will advise the clerk of the closing date.

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 Service Manager at Pendle Borough Council, the Town Council is able to co-opt a volunteer.

3. Confirmation of co-option

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

- Advertise the vacancy for 21 days on the Council notice boards and website (this does not include the date of the notice and excludes Saturdays and Sundays)
- Advise the council at their next meeting that the Co-option Policy has been instigated

Nelson 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 full 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 the achieve meeting quorums without difficulty. Councillors elected by Co-option are full members of Nelson Town Council.

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 parish; or
- has resided in the parish for the past twelve months or rented/tenanted land 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 disqualification's 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.

5. Applications

Members may point out the vacancies and the process to any qualifying candidate(s). Although there are no statutory requirements, candidates will be requested to:

- Submit information about themselves, by way of completing a short application form (a copy of the application form is attached as Appendix A including a specification criteria attached as appendix B)
- Confirm their eligibility for the position of Councillor within the statutory rules, (a copy of the Eligibility Form is attached as Appendix C).

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 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.

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 Nelson 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 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.

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 B with each candidate being proposed and seconded by the councillors in attendance. A vote by a show of hands (LGA 1972 Sch. 12. Para 39) will then take place. The vote will be recorded so as to show whether each Councillor present and voting gave his/her vote for or against that question.

A recorded vote may be requested under Standing Orders so as to show whether each Councillor present and voting, gave his/her vote for or against that question.

In order for a candidate to be elected 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. 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 of casting vote.

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

The Clerk will notify Electoral Services of the new Councillor appointment. The successful candidate(s) must complete the 'registration of interests' 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 should continue, whereby the vacancies are again advertised.



NELSON TOWN COUNCIL

Co-option Application Form

Thank you for your interest in becoming a Town Councillor. Please complete the application below to assist the Council in making their decision.

Full Name & Title	
Home Address	
Home Telephone	
Mobile Telephone	
Email Address	
Which Ward are you applying for?	
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. We recommend that you refer to the person specification to assist you to complete this section.

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

	Proposer	Seconder
Name		
Address		
Signature		

**Please return this completed form, together with the completed
Co-option Eligibility Form to:**

The Town Clerk, Nelson Town Council, Town Hall, Market Street, Nelson, BB9 7LG

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 Nelson Town Council.

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

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Appendix B - Co-option Eligibility Form

1. In order to be eligible for co-option as a Nelson 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.

- 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

Please tick which applies to you

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 Nelson Town Councillor, and the information given on this form is true and accurate record.

Signature..... Date.....

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

APPENDIX C

Co-opted Councillor Person Specification

Name of Local Council:		Nelson Town Council	
Description of Office:		TOWN COUNCILLOR	
COMPETENCY	ESSENTIAL	DESIRABLE	
Relevant knowledge, Education, Professional Qualifications & Training	<ul style="list-style-type: none"> ▪ Sound knowledge and understanding of local affairs and the local community. ▪ Other requirements to be specified (this may or may not be applicable). 	<ul style="list-style-type: none"> ▪ A levels/Degree level and or ▪ Vocation or professional qualification (e.g. accountant, teacher, policeman) may be specified. 	
Experience, Skills, Knowledge and Ability	<ul style="list-style-type: none"> ▪ Solid interest in local matters. ▪ Ability and willingness to represent the Council and their community. ▪ Good interpersonal skills. ▪ Ability to communicate succinctly and clearly both orally and in writing. ▪ Ability and willingness to work closely with other members and to maintain good working relationships with all members and staff. ▪ Good reading and analytic skills. ▪ Ability and willingness to work with the council's partners (e.g. voluntary groups, other parish councils, principal authority, charities). ▪ Ability and willingness to undertake relevant training. ▪ Ability to work under pressure. 	<ul style="list-style-type: none"> ▪ 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. ▪ Good standard of computer literacy. ▪ Experience of delivering presentations. ▪ Experience of working with the media. ▪ Experience in financial control/ budgeting. ▪ HR experience. 	
Circumstances	<ul style="list-style-type: none"> ▪ Ability and willingness to attend meetings of the council (or the meetings of other local authorities and local bodies) in the evening and events in the evening and at weekends. ▪ Flexible and committed to the Council ▪ Enthusiastic. 		