

HUNGERFORD TOWN COUNCIL Councillor 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 Hungerford Town Council (HTC). The Co-option procedure is entirely managed by HTC, and this policy will ensure that a fair and equitable process is carried out.

It should be noted that Councillors elected by co-option are full members of HTC. However, to meet the criteria to use the General Power of Competence, HTC will require two thirds of their councillors to be elected rather than co-opted when the proposal is made (at the annual meeting of the council after the ordinary election that normally takes place every four years) to continue to use the GPOC.

2. Initiation and Approval of a Co-option Vacancy

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.

In the event that one of these events occurs, HTC must notify West Berks Council (WBC) of a Casual Vacancy. HTC must wait for written confirmation from the Electoral Services Office of the District Council before advertising the vacancy.

Once approval from WBC has been obtained, the Town Clerk will notify HTC and advertise the casual vacancy for four weeks on HTC noticeboards and website.

3. By-Election Process (if required)

The Co-option must change to an election process if ten electors or more write to WBC stating their desire for an election to take place. The people of the parish have fourteen days (not including weekends, bank holidays and other notable days), to request the election. The electoral officer will advise the Town Clerk of the closing date.

In this event, and if there is more than one candidate nominated, WBC will set up the election, including providing a polling station; the people of the parish will be asked to go to the polls to vote for the nominated candidates.

If only one candidate is nominated HTC can duly elect them without a ballot.

4. No Obligation to Fill a Vacancy

HTC is not obliged to fill any vacancy, even if HTC advertises and invites applications. Nor is HTC obliged to select any of the candidates who apply.

However, it is not desirable that electors are left partially or full under-represented for a significant length of time. Nor does it contribute to effective and efficient working of HTC if there are insufficient councillors to share the workload equitably; or to provide a broad cross-section of skills and interests; or to achieve meeting quorums without difficulty.

5. Eligibility of Candidates

Refer to Appendix A for details.

6. Application Process

Candidates are encouraged to provide a CV or similar resume, including some background information about themselves and their reasons for wanting to join HTC, during or soon after the advertising period. This information will be shared by the Town Clerk to councillors for consideration.

Candidates will be invited to the next full council meeting where they will be offered an opportunity to introduce themselves and to confirm their eligibility and will be offered an opportunity to attend any committee meetings for that month.

Attendance at the initial introductory full council meeting is normally required.

Candidates will meet with the Clerk and a councillor for an informal chat after the initial Full Council meeting for the benefit of both parties.

Candidates should attend one committee meeting as a minimum before being considered for co-option.

Candidates should be made aware that unless specified otherwise, all council meetings are open to the press and public and what is said could be quoted in local press or on social media.

Late applicants that miss the opportunity to attend this full council meeting but have applied one week before the following full council meeting (where selection takes place), may be considered at HTC's discretion.

For the avoidance of doubt, the Town Clerk shall circulate all applications to all Councillors at least 7 clear days prior to the meeting of the full council meeting, when selection takes place, and all such documents will be treated by the Clerk and all Councillors as Strictly Private and Confidential.

7. Selection Process

Candidates will be selected at the subsequent full council meeting for which their attendance is normally required.

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 HTC.

Candidates will be provided a further opportunity (to a maximum of five minutes) to provide some background information about themselves and their reasons for wanting to join HTC at the meeting. The co-option may take place in a public Full Council meeting as long as no discussion about the merits of each candidate takes place, otherwise the agenda item must be moved to a confidential Part 2.

Once all candidates have finished giving their submissions, the council will proceed to a vote in public on the acceptability of each candidate utilising the 'person specification' criteria set out in Appendix B and any personal statements provided by candidates, with each candidate being proposed and seconded by the councillors in attendance and a vote being taken by paper ballot.

In order for a candidate to be elected to HTC, 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 casting vote.

After the voting has 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 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.

APPENDIX A

Co-option Eligibility Form

1. To be eligible for co-option as a Hungerford 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 is in the parish; or

☐

d) I reside 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 their creditors (but see below); or
- c) Has within five years before the day of election, or since their 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 their debts have been fully discharged;
- II. If the person is discharged with a certificate that the bankruptcy was caused by misfortune without misconduct on their 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 Hungerford Town Council, and the information given on this form is true and accurate record.

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

APPENDIX B

CO-OPTED COUNCILLOR PERSON SPECIFICATION COMPETENCY	ESSENTIAL	DESIRABLE
Personal Attributes	• Sound knowledge and understanding of local affairs and the local community. • Forward Thinking	• Can bring a new skill, 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 (e.g. voluntary groups, other parish Councils, principal authority, charities). • Ability and willingness to undertake induction training and other relevant training.	• 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
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.	