



MIDSOMER TOWN COUNCIL  
COUNCILLOR CO-OPTION POLICY

Adopted:- 6<sup>th</sup> November 2023

To Be Reviewed 2025

## 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 Midsomer Town Council (MSN). The Co-Option procedure is entirely managed by MSN 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:-

- Insufficient Candidates stand for election at a normal election; or
- 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 at a meeting of an outside body.

MSN must notify Bath and North East Somerset (BANES) 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 the District Council stating that an election is requested.

If a by-election is called, a polling station will be set up by BANES and the people of the Town 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 people of the Town 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 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 BANES, MSN is able to co-opt a volunteer.

## 3. Confirmation of Co-Option

On receipt, of written communication, from the Electoral Services Office at BANES, 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 BANES that the Co-Option Policy has been instigated.

MSN is not obliged to fill any vacancy. Even if the Council invites application for co-option, it is not obliged to select anyone from the candidates who apply.

However, it not desirable that electors in a ward be left partially or fully 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 to achieve meeting quorums without difficulty.

Councillors elected by co-option are full members of MSN.

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

MSN is able to consider any person to fill a vacancy provided that:

- He/she is an elector for the town; or
- Has resided in the parish for the past twelve months or rented/tenanted land or other premises in the parish; or
- Had his/her principal place of work in the Town; or
- Lives 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 suspected or not) or less than three months without the option of a fine during the five years preceding the election; and
- Being disqualified under an enactment relating to corrupt or illegal practices.

Candidates found to be offering inducement 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(s) to fill the existing vacancy(s)."

Copies of the candidate's applications will be circulated to all Councillor's by the Clerk at least 3 clear days prior to the meetings 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.

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 for MSN. 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 three minutes maximum to introduce themselves to members, give information on their background and experience and explain why they wish to become a member of MSN.

As soon as all Councillors have finished giving their submissions, the council will proceed to vote on the acceptability of each candidate, with each candidate being proposed and seconded by the Councillors in attendance and a vote by a show of hands.

For a candidate to be elected to MSN, 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 or 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, 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.

**MIDSOMER NORTON TOWN COUNCIL**

**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.

Full Name & Title –

Home Address

Post Code

Home Telephone

Mobile Telephone

Email Address

**About You**

Please provide the council with background information about yourself.

**Reasons for applying** – Please provide the council with your reasons for wanting to become a Town Councillor.

## **APPENDIX B**

### **Co-option Eligibility Form**

1. **In order to be eligible for co-option as a Midsomer Norton 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 circle which applies to you:**

- (a) I am registered as a local government elector for the Town; 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 Town; or
- (c) My principal or only place of work during these twelve months has been in the Town; or
- (d) I have during the whole of twelve months resided in the Town or within 3 miles of it.

2. **Please note that under Section 80 of the Local Government Act 192 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 had 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:**

- (a) 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;
- (b) If the person is discharged with a certificate that the bankruptcy was caused by misfortune without misconduct or his/her part.
- (c) If the person is discharged without such a certificate.

In (a) and (b) above, the disqualification ceases on the date of the annulment and discharge respectively.

In (c) it ceases on the expiry of five years from the date of discharge.

Signature: -

Please return your completed application to the Clerk to the Council. 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 on to Midsomer Norton Town Council.

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