



Baildon Town Council - Co-option policy

Adopted by Full Council	9 th May 2022
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Introduction

For Baildon Town Council to be both effective and efficient there needs to be sufficient councillors to share the workload equitably; to provide a broad cross-section of skills and interests; or to achieve meeting quorums without difficulty, given that some absence is unavoidable at times.

It is, therefore, an aim of Baildon Town Council to fill all vacancies as soon as is practicable.

Types of Vacancies

There are two types of vacancy that may be filled by co-option.

1) Vacancies following an Ordinary Election:

When a ward seat or seats remain vacant because no eligible candidate stood for election at the full elections for a new council (currently at four-yearly intervals), the Town Clerk would be notified of vacancies by the Returning Officer at BDMC and that the vacancies are to be filled by co-option, as soon as is practicable.

If insufficient members have been elected and the Council is, therefore, inquorate, Bradford Council may, by order, appoint persons to fill all or any of the vacancies until other councillors are elected/co-opted and take up office.

It should be noted that there is no statutory requirement to give public notice of local council vacancies which remain unfilled after an ordinary election (s.21(2) Representation of the People Act 1985). However, the Town Council can at its discretion give public notice of vacancies which arise in these circumstances to encourage transparency and to attract more applicants.

2) Casual Vacancies:

During the life of a council when a ward seat has fallen vacant (because of a resignation, death or ineligibility), the Town Clerk will immediately notify the Electoral Officer at BDMC and the vacancy will be advertised. If the required 10 electors of the ward have not called for a poll (by-election) within the legally specified time period (currently 14 days) following publication of the Notice of Vacancy, the Town Clerk would be notified by the Returning Officer at BDMC that the vacancies are to be filled by co-option, as soon as is practicable.

However, if the vacancy occurs within six months of the next scheduled ordinary elections for the Town Council, there is no option to hold an election. The Council may fill the vacancy by co-option.

Qualification Requirements

The qualifications to be eligible to be co-opted to a position of councillor on Baildon Town Council are the same as required for election. An applicant must:

- be at least 18 years old on the day of nomination
- be a British citizen, an eligible Commonwealth citizen or a citizen of any other member state of the European Union
- meet at least **ONE** of the following four qualifications:
 - a) They are, and will continue to be, registered as a local government elector for the parish from the day of their application onwards.
 - b) They have occupied as owner or tenant any land or other premises in the parish during the whole of the 12 months before the day of their application.
 - c) Their main or only place of work during the 12 months prior to the day of their application has been in the parish.
 - d) They have lived in the parish or within three miles of it during the whole of the 12 months before the day of their application.

Disqualifications

Apart from meeting the qualifications for standing for election, applicants must also not be disqualified from standing. There are certain people who are disqualified from being elected to a parish council. They cannot be elected if at the time of their application:

- i) They hold a paid office with the Town council.
- ii) They are the subject of a Bankruptcy Restrictions Order or Interim Order, or a Debt Relief Restrictions Order or an Interim Debt Relief Restrictions order under Schedule 4ZB of the Insolvency Act 1986.
- iii) They have within five years prior to the day of your prospective appointment to the council been convicted in the United Kingdom; the Channel Isles or the Isle of Man; of any offence *and* have had passed on you a sentence of imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine.
- iv) They have been disqualified under the Representation of the People Act 1983 (which covers corrupt or illegal electoral practices and offences relating to donations) or under the Audit Commission Act 1998.

The full range of disqualifications is complex and if the applicant is in any doubt about whether they are disqualified, they must do everything they can to check that they are not disqualified before submitting an application as they will be asked to sign an 'Application for Co-option' (see appendix 1) to confirm that they are not disqualified.

(If you are subject to any of these disqualifications you will not be able to hold public office as a parish councillor until the disqualification is no longer effective).

The Returning Officer will not be able to confirm whether or not they are disqualified.

Baildon Town Co-option Procedure

1. The Clerk will advertise the vacancy (or vacancies) on the Town Council noticeboard, website and via any other media as required giving details of the process.
2. Each applicant will be invited to complete a Legal Declaration of Qualification to hold Public Office as a Local Councillor.
3. Each applicant will be invited to provide a "CV" to include the reasons for interest in being a Town Councillor and what attributes they have to offer for the benefit of the community.
4. The Town Clerk will circulate (on a confidential basis), if possible, details of the application/applications to all the other Councillors prior to the next Parish Council meeting.
5. There will be a separate item on the Town Council meeting Agenda to deal with the application(s).
6. Each applicant will be invited to attend the Town Council meeting to present themselves to the Town Council. The Town Council will resolve to exclude members of the press and public under the Public Bodies (Admissions to Meetings) Act 1960 to enable it to interview/discuss the merits or otherwise of the applicants.
7. The Chair will ask each applicant (in the absence of the other candidate(s)) a number of set questions, previously agreed by the Town Council, in the presence of the other Councillors in private session. Depending on the answers given the councillors present may have additional supplementary questions which may be asked through the chair.
8. If an applicant does not present themselves to the Town Council meeting and they cannot provide a valid reason for not attending then Town Council may decide whether or not to appoint in these circumstances.
9. At the next suitable Town Council meeting a vote will take place in accordance with the adopted voting protocol (Standing order 9 applies). Where more than two persons have been nominated for a position to be filled by the Council and none of those persons has received an absolute majority of votes in her/his favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until an absolute majority of votes is given in favour of one person. A tie in votes may be settled by the casting vote exercised by the Chair of the meeting.
10. The Chairman will declare the result.
11. The co-opted councillor(s) will only be allowed to take part in the council meeting once they have signed The Declaration of Acceptance of Office.

Baildon Town Council

LEGAL DECLARATION OF QUALIFICATION TO HOLD PUBLIC OFFICE AS A LOCAL COUNCILLOR

Where a Baildon Town Council is undertaking the process of co-option of a councillor to the authority, it is duty bound to ensure that the person(s) appointed are eligible to hold office as a local councillor. The qualifications and disqualifications are contained in the Local Government Act 1972, Sections 79 and 80.

Please complete the following declaration form and return it to the Clerk to the Council

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..... by (*insert date*).

Qualifications

Please indicate which qualifications are applicable to you:

You have the required citizenship (s.79 LGA 1972)

You are 18 years of age or over

and

At the date of application to the town council you are a local government elector for the parish of Baildon

or

At the date of application to the town council you have, during the whole of the twelve months preceding that day, occupied as owner or tenant of any land or other premises in the parish:

or

At the date of application to the town council you have, during the whole the twelve months preceding that day, had your principal or only place or work in the parish :

or

At the date of application to the town council you have, during the whole the twelve months preceding that day, resided in the parish or within three miles of it:

(**Please note** that you do not have to meet all of these qualifications. To be eligible you must be 18 or over and must also meet one of the other provisions. However, it would be helpful if you could indicate all of those which apply).

Disqualifications

You hold any paid office with the town council

Yes No

You are the subject of a Bankruptcy Restrictions Order or Interim Order, or a Debt Relief Restrictions Order or an Interim Debt Relief Restrictions order under Schedule 4ZB of the Insolvency Act 1986.

Yes No

You have within five years prior to the day of your prospective appointment to the council been convicted in the United kingdom, the Channel Isles or the Isle of Man, of any offence *and* have had passed on you a sentence of imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine.

Yes No

You are disqualified from being elected or from being a member of Baildon Town Council under Part III of the Representation of the People Act 1983 or under the Audit Commission Act 1998.

Yes No

(If you are subject to any of these disqualifications you will not be able to hold public office as a town councillor until the disqualification is no longer effective).

Baildon Town Council confirms that it is duty bound to treat this information as strictly confidential.

Signature of candidate

Printed name of candidate

Date

BAILDON TOWN COUNCIL

Co-option Application Form

Contact Details (Block Capitals please)

Name

Address

.....

Postcode

Email address

Home Tel. No.

Mobile Tel. No

<p>For verification by Town Clerk</p> <p>Electoral Roll No.</p>

Are you 18 or over? YES/NO

If not resident in the Baildon Town Council area, the address (business or home) for qualification for eligibility

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N.B. Please attach a written summary covering your reasons for wishing to be a councillor; previous voluntary / community / council work; any other skills you can bring to the Council; your interests and recent career history.

Is there any other information you would like to disclose regarding your application?
(e.g. if you are related to an employee of the Council)

Signature **Date**

Please return your completed form, together with your written summary and the Co-option Eligibility Form to:

Town Clerk, Baildon Town Council, 2 Northgate, Baildon BD17 6JX

Or via email at Clerk@baildowntowncouncil.gov.uk