

Co-option of members to Burscough Town Council

The Electoral Services Manager has confirmed in writing that the casual vacancy can be filled by co-option.

1) INTRODUCTION

- a) This process is based on NALC Legal Briefing L15-08 – Good practice for selection of candidates for co-option to local Councils and sets out the procedure to ensure there is compliance with legislation. The co-option procedure is entirely managed by the Town Council, and this policy will ensure that a fair and equitable process is conducted.

2) CO-OPTION

- a) Following the resignation of member/s there is one vacancy for a Councillor to be filled by co-option.

3) 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 Town Clerk will:
 - Advertise the vacancy on the Town Council notice boards, social media and website.

4) 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.

5) APPLICATIONS

a) 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).
- Confirm their eligibility for the position of Town Councillor within the statutory rules, (a copy of the eligibility form is attached as Appendix B).

b) Following receipt of applications, which will be scrutinised by the Personnel Working Group to ensure applicants are both suitable and eligible. If agreed by the Personnel Working group the application will be further discussed at the next suitable Town Council meeting. There will be an agenda item 'To consider the application for co-option from XXXX for the office of Town Councillor. Eligible candidates will be invited to attend the meeting.

c) Copies of the eligible candidates' applications will be circulated to all town councillors by the Town Clerk at least 3 clear days prior to the meeting of the full Town Council, when the co-option will be considered.

d) All such documents will be treated by the Town Clerk and all Town Councillors as strictly private and confidential.

6) AT THE CO-OPTION MEETING

a) During a confidential matter at the co-option meeting, candidates will be given five minutes maximum to introduce themselves to the Town

Councillors give information on their background and experience and explain why they wish to become a member of the Town Council. The process will be conducted in the public session but as a confidential matter when members of the public will be asked to leave.

- b) As soon as all candidates have finished giving their submissions, the Town Council will have the opportunity to ask questions then proceed to a vote with each candidate being proposed and seconded by the councillors in attendance.
- c) In order for a candidate to be co-opted to the Town 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.
- d) Further rounds of voting will then take place with the process repeated until a candidate has an absolute majority.
- e) 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 Town Council's Code of Conduct, or as soon after as possible but within 28 days of the meeting and may take office thereafter.
- f) The Town Clerk will notify West Lancashire Borough Councils Electoral Services Office of the co-option of the new town councillor.
- g) The co-opted Town Councillor will complete a Notification of Disclosable Pecuniary and Other Interests form which the Town Clerk will lodge with the Monitoring Officer at West Lancashire Borough Council within 28 days of the co-option.
- h) If insufficient candidates are co-opted, the process should continue, whereby the vacancies are again advertised.

Any candidates must follow be able to follow the seven Nolan Principles



BURSCOUGH TOWN COUNCIL

The Seven Principles of Public Life

The Seven Principles of Public Life (also known as the Nolan Principles) apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the Civil Service, local government, the police, courts and probation services, non-departmental public bodies (NDPBs), and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The principles also apply to all those in other sectors delivering public services.

1 Selflessness

Holders of public office should act solely in terms of the public interest.

2 Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

3 Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

4 Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

5 Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

6 Honesty

Holders of public office should be truthful.

7 Leadership

Holders of public office should exhibit these principles in their own behaviour and treat others with respect. They should actively promote and robustly support the principles and challenge poor behaviour wherever it occurs.

Anyone who is co-opted must also be cautious when using social media and make comments that would not embarrass the Town Council, remembering always a Councillor does not work alone, we work together as a body.

APPENDIX A

BURSCOUGH TOWN COUNCIL CO-OPTION APPLICATION FORM

| |
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| Name: |
| Address: |
| Telephone number: |
| Email Address: |
| Which Ward are you applying for? |
| Please briefly outline why you are interested in being a Town Councillor |
| |
| Please tell us something about the life experience you will bring to the Town Council, for example, previous local government experience, work in the voluntary or charitable sector, business, or trade union experience. |
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| Please tell us something about the skills you feel you will bring to the Town Council, for example, professional qualifications, financial or project management expertise, listening and organisational skills. |
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| Are there any questions you would like to ask the Town Council? |
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| Is there any other information you would like to disclose regarding your application? (If necessary, please continue on a separate sheet). |
| |

Use of Personal Information

The Town Council will use your information, including that which you provide on this application form, to assess your suitability to be a town councillor.

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.....

APPENDIX B

BURSCOUGH TOWN COUNCIL CO-OPTION ELIGIBILITY FORM

| | | |
|--|------------|-----------|
| 1. To be eligible for co-option as a 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: | | |
| | Yes | No |
| a. I am 18 years of age or over; and | | |
| b. I am a British citizen or a citizen of the Commonwealth; and | | |
| 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 three miles of it. | | |
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|---|-----|----|
| 2. Please note that under Section 80 of the Local Government Act 1972 a person is disqualified from being a town councillor if he/she: | | |
| a) Is employed by the town council or holds paid office. | Yes | No |
| b) Is employed by an entity controlled by the town 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. | | |

I declare that this information is true and correct.

Signed**Name.....**

Date.....

Please complete and return this form, together with the completed Co-option Eligibility Form to: Jackie Maguire Town Clerk, Burscough Town Council, Interchange Building, Station Approach, Burscough L40 0RZ. Jackie.maguire@burscoughtc.org.uk

