



# **Devizes Town Council**

## **Co-Option Policy**

## **Policy Statement**

This policy sets out the arrangements that will apply should Devizes Town Council consider co-option to the Council for an uncontested vacant seat.

## **Scope of Policy**

The policy applies to all qualifying members of the community who may wish to be co-opted onto Devizes Town Council.

## **Equality Statement**

All the organisation's policies are intended to promote equality, eliminate unlawful discrimination and actively promote good relationships regardless of age, disability, gender, race or ethnicity, religion and belief, and sexual orientation.

## **Legislative Powers and Trigger for Co-Option to Unconsented Vacant Seats.**

Vacant seats will only be available for co-option under the following circumstances as set out in legislation

- I. Where there are insufficient candidates at an election as set out in *Representation of People Act 1985, s21.*
- II. Where Casual Vacancy occurs as defined by *Local Government act 1972, s 87 (1)* and no poll is claimed by 10 electors *Local Elections (Parishes and Communities)(England and Wales) Rules 2006. SI 2006/3305, r5(4)*, *The Council can fill the vacancy by co-option. Local Elections (Parishes and Communities)(England and Wales) Rules 2006. SI 2006/3305, r5(5).*

Where it is determined that a seat is available for co-option it will be for the Full Council to decide at either the next scheduled Full Council meeting or at one specially convened if it wishes to make a co-option using the procedures set out in this policy.

## **Eligibility for Office for Anyone Seeking Co-Option onto the Council**

To be eligible for office anyone seeking to be co-opted onto the town council must meet a few simple qualifying criteria as set out in the Local Government act 1972, s 79.

- Is a British subject, Commonwealth citizen or is a citizen of a member state of the European Union.
- Is over 18
- You must be either registered to vote in Devizes or have lived, worked or owned property in the area for least 12 months before the election.

However even if a person meets the criteria, they cannot take office if;

- They work for the Town Council
- If they have a bankruptcy, restrictions order or interim order
- Have been sentenced to prison for three months or longer, including a suspended sentence, during the 5 years before being co-opted.

### **Advertising of seats up for co-option**

In seeking to co-opt a member of the community onto the Council, it is important that the process is open and transparent and therefore every effort must be taken to ensure that any uncontested seats that the Council wishes to fill are widely publicised, although there is no requirement to pay for a public notice. Advertising will include the following;

- Newspaper editorial where possible
- Town Council Website
- Social Media channels
- Notice in notice boards

### **Application Process**

Whilst the qualifying criteria for anyone who wants to be considered for co-option is relatively simple, the Council needs to be able to make a valued judgement in the case of multiple applications for vacant seats.

To do this, each co-option applicant will need to submit a standard application. The Council will have the opportunity revise the application before each co-option process, however the following questions will be standard.

- Are you affiliated to any political party and / or are you standing as a member of that group or party?
- Are you a member of any community group or organisation in Devizes or afield?
- Is there any reason in law why you may not stand as a councillor?

Each application will need to have a proposer and seconder from ward in which the vacant seat sits.

## **Selection Process**

All applications will be considered by the Full Council and there will be no pre-selection other than to ensure that anyone who is being considered for co-option meets the qualifying criteria.

Each applicant will have an opportunity to address the Council for up to 5 minutes and have a further 5 minutes to answer questions members of the Council may have. These question and answer sessions will be in the absence of any other applicant, although all applicants will be invited to be in the Council Chamber during the vote.

At each vote Councillors will have the opportunity to vote for just one applicant; however, in circumstances where there are three or more candidates for a seat then the applicant with the lowest number of votes will be withdrawn and a new vote taken and so on until one application has a clear majority with a minimum of 51% of the vote.

Where there is more than one vacant seat, co-option for each seat will be dealt with separately.

As soon as an applicant has been successfully co-opted, they will need to make the declaration of office as soon as practicable but within 14 days so that they can start their term in office without delay.

## **Policy Review Process**

Co-option will be relatively rare, therefore at the point that the Full Council decides if it wishes to co-opt to a vacant seat, it will also review the co-option policy and application form to determine if any changes are needed to meet the circumstances that may be relevant at that time.