



Seaton Town Council Constitution

Chapter 35 Co-option Policy

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1 INTRODUCTION

1.1 This policy sets out the procedure to ensure compliance with legislation and continuity of procedures in the co-option of members to Seaton Town Council ('the Council') The co- option procedure is entirely managed by the Town Council and this policy will ensure that a fair and equitable process is carried out

1.2 Whenever the need for co-option arises Seaton Town Council will seek and encourage applications from anyone in the town who is eligible to stand as a town councillor.

1.3 The Council will advertise the vacancies in the local area, via the Council's noticeboards, website and social media.

2 CO-OPTION

2.1 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.

3 CO-OPTION

3.1 Insufficiency of candidates at an ordinary election also provide the Town Council with authority to exercise its rights to co-opt any person or persons to fill any vacancies following the date of said ordinary election.

4 ELIGIBILITY OF CANDIDATES

4.1 The Council can consider any person to fill a vacancy provided that:

- he/she is an elector for the parish; or
- has resided in the parish for the past twelve months or rented/tenanted land in the parish; or
- had his/her principal place of work in the parish; or
- has lived within three miles (direct) of the parish.

4.2 There are certain disqualifications for election, as set out in the Local Government Act 1972, including:

- holding a paid office under the local authority;
- 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 five years preceding the election; and
- being disqualified under any enactment relating to corrupt or illegal practices.

4.3 Eligibility of the candidate(s) will be confirmed by the Town Clerk.

4.4 All eligible candidates shall be invited, by letter or email, to attend a meeting of councillors, which will be held, where practicable, immediately before the monthly meeting of the Council. If candidates are unable to attend, this meeting will not be rearranged but their application can be considered.

5 APPLICATIONS

5.1 Candidates will be asked to:

- Confirm their eligibility for the position of councillor within the statutory rules
- Submit information about themselves, by way of completing a short application form

5.2 Copies of the candidates' applications will be made available to all councillors, by the Town Clerk, at least 3 clear days prior to the meeting at which co- option will be considered. All such documents will be treated by the Town Clerk and all councillors as **Strictly Private and Confidential**.

6 CO-OPTION MEETING

6.1 After the closing date for applications, each candidate will be invited to a meeting of councillors. This meeting will not be open to the public and each candidate will have 3 minutes to introduce themselves to councillors, give information on their background and experience and explain why they wish to become a member of the Council. This meeting will be chaired by the Chairman of the Council. Candidates will be asked to wait in the meeting room until they are called to give their presentation, so as to avoid any unfair advantage of a candidate having the opportunity to listen to a fellow candidate's presentation before they give their own.

6.2 After each presentation, councillors may ask questions of each candidate. If a candidate is unable to attend the meeting, this process will still proceed and their written application will be considered alongside those candidates that attend.

6.4 The process will be carried out in a private session. If a candidate is a relative of a sitting councillor, that councillor should declare a prejudicial interest and withdraw from the meeting.

6.5 As soon as all candidates have finished giving their submissions, the public meeting of the council will open and all candidates, if they so wish, along with other members of the general public may attend that meeting. The first item of business after, 'Apologies', will be a vote on co-option. Each councillor will be given the same number of votes as there are vacancies.

6.6 In order for a candidate to be elected to the Council, it will be necessary for them to obtain an absolute majority of votes cast (50% + 1 of the votes available at the meeting). (Local Government Act 1972, Sch 12, Para 39).

6.7 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.

6.8 If there is more than one vacancy and the number of candidates equals the number of vacancies, all the vacancies **may** be filled by a single composite resolution. However, if the number of candidates is equal to the number of vacancies, the Council is not obliged to co-opt all candidates.

6.9 If the number of candidates exceeds the number of vacancies each vacancy must be filled by a separate vote or series of votes.

6.10 Only councillors present at the meeting may vote upon a person to fill the vacancy. Councillors will have one vote per vacancy to be filled. The Chair has the casting vote.

6.11 The Council is not obliged to fill all vacancies but must take steps to advertise for further co-options or hold an election (where applicable) to fill vacancies.

6.12 The Town Clerk will notify Electoral Services of the new Councillor appointment, initiate 'acceptance of office' paperwork and 'registration of interests' within 28 days of being elected.

6.13 If insufficient candidates come forward for co-option, the process should continue, whereby the vacancies are again advertised.

6.14 Any candidate(s) found to be offering inducements of any kind will be disqualified.

7 ELECTED COUNCILLORS (CO-OPTION)

7.5 Successfully co-opted candidates become councillors in their own right, with immediate effect, and are no different to any other member other than they are not eligible for a councillor's allowance which Seaton Town Council does not currently provide.

7.6 Co-opted members will be asked to sign a Declaration of Acceptance of Office to agree to be bound by Seaton Town Council Members' Code of Conduct. They may then take their seat at Council as soon as this is signed and are then able to be appointed to a committee and/or as a representative to local organisations.

7.7 Any application can be considered in a candidate(s) absence, but if successful, members would need to agree for him/her to sign the Declaration of Office either before or at the next Council meeting.

8 APPLYING FOR A CASUAL VACANCY

8.5 Candidates who are interested in applying for a casual vacancy need not wait until the notice of casual vacancy appears. Candidates can write to the Council directly expressing their interest in a casual vacancy and request that it considers their application when it has authority to co-opt for any vacancy.

SEATON TOWN COUNCIL (‘the Council’)	
Date of report	5 February 2024
Item of business	24 COU 17
Details	Report on Civility & Respect Training for Members
Purpose of Report	To consider a recommendation of the Personnel Committee
Power/authority	Local Government Act 1972, s111 – power to do anything that will be conducive or incidental to powers or functions
Recommendations	<p>It is RECOMMENDED that Members:</p> <ul style="list-style-type: none"> • uphold the recommendation of the Personnel Committee that all Members undertake Civility & Respect Training • approve the cost of DALC providing said training • authorise the Town Clerk to seek councillor availability and arrange said training • authorise the Town Clerk to update the standing orders and Members’ Code of Conduct, with regard to mandatory training, in line with advice received from the Monitoring Officer

1. Introduction

At a meeting of the Council’s Personnel Committee on 8 January 2024, the committee resolved to recommend to Council that all councillors should undertake mandatory civility and respect training.

As such an approach was made to Devon Association of Councils (‘DALC’) to establish the cost of such training being provided and advice taken from the Monitoring Officer as to whether such training can be made mandatory.

2. Advice from Monitoring Officer

The Monitoring has advised that it is quite proper to make any training mandatory and it is for the Council's Standing Orders to determine which training must be mandatory and for the Members' Code of Conduct to refer to the mandatory training in order to comply with the standing orders.

3. Cost of training

DALC could offer a bespoke training session at Marshlands at a cost of £200 plus VAT, plus mileage. This could be tailored to cover any specific issues the Council requires.

RECOMMENDATIONS

It is **RECOMMENDED** that Members:

- uphold the recommendation of the Personnel Committee that all Members undertake Civility & Respect Training
- approve the cost of DALC providing said training
- authorise the Town Clerk to seek councillor availability and arrange said training
- authorise the Town Clerk to update the standing orders and Members' Code of Conduct, with regard to mandatory training, in line with advice received from the Monitoring Officer