



STOURPORT-ON-SEVERN TOWN COUNCIL

COUNCILLOR VACANCIES AND CO-OPTION PROCEDURE

1. Introduction

- 1.1 This document is intended as a summary of the most relevant points of procedure and legislation rather than a definitive exposition.
- 1.2 Elections to membership of the Town Council are held every four years.
- 1.3 In the event of fewer candidates standing for election than seats available, then those candidates validly nominated will be elected unopposed and the remaining seats will be filled by co-option at the earliest opportunity and within 35 working days following the fourth day after the election.
- 1.4 If a vacancy occurs during the 4-year period of office, the notice publicising the opportunity for a by-election will be posted to the town council website and noticeboards. If, after the period of 14 working days has elapsed there has been no call for a by-election, the Town Council will be free to co-opt a suitable candidate.

2. Co-option Supporting Information

- 2.1 There are no educational qualifications needed to become a Town Councillor, however as the Town Council is a statutory body, to stand validly nominated you must fulfil the following:

3. Qualifications

- 3.1 To be able to stand as a Town Councillor, an applicant must:
 - 3.1.1 be at least 18 years old on the day of nomination;
 - 3.1.2 be a British citizen, an eligible Commonwealth citizen, or a citizen of any other member state of the European Union;
 - 3.1.3 meet at least one of the following 4 qualifications:
 - i) They are, and will continue to be, registered as a local government elector for the town from the day of their application onwards.

- ii) Have occupied as owner or tenant any land or other premises in the town area during the whole of the 12 months before the day of nomination; or
- iii) The main or only place of work during the 12 months prior to the day of nomination has been in the town area; or
- iv) They have lived in the town, or within 3 miles of it, during the whole of the 12 months before the day of your nomination.

4. Disqualifications

- 4.1 Apart from meeting the qualifications for standing for election, a candidate must also not be disqualified from standing.
- 4.2 A candidate cannot stand if they are disqualified from being elected by reason of any disqualification set out in section 80 of the Local Government Act 1972 or section 79 of the Local Government Act 2000.
- 4.3 Candidates cannot be elected if, at the time of their application:
 - i) They are employed by the town council.
 - ii) They are the subject of a bankruptcy restrictions order or interim order.
 - iii) They have been sentenced to a term of imprisonment of three months or more (including a suspended sentence), without the option of a fine, during the five years before the day of their application.
 - 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.
- 4.4 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 applying.
- 4.5 Applicants will be asked to sign an 'Application for Co-option' to confirm that they are not disqualified.
- 4.6 It is a criminal offence to make a false statement on the application as to their qualification for being elected. If an applicant is in any doubt they should contact their employer, consult the legislation or, if necessary, take independent legal advice. The Returning Officer will not be able to confirm whether they are disqualified.

5. Resignation

- 5.1 A councillor may resign at any time by written notice delivered to the Chairman of the Town Council (The Mayor).
- 5.2 The resignation must be accepted: there is no procedure for withdrawing a notice of resignation once it is made.
- 5.3 The resignation takes effect immediately upon receipt, even if some future date has been

specified in the letter of resignation.

6. Other causes of a Vacancy

- 6.1 Death, failure to sign the Declaration of Acceptance of Office, and failure to attend meetings for a period of six consecutive months without prior approval of the Town Council.

7. Interested Candidates

- 7.1 It is desirable for candidates to show an interest in and understanding of local affairs within the community, with a willingness to represent the Council and its residents showing an ability to communicate clearly and effectively.
- 7.2 Members should be willing and able to work with the town council's partners, such as local charities and voluntary groups, other town councils and principal authorities as well as with fellow members.
- 7.3 The Town Council's Members' Code of Conduct relates to the standards required of members of the Council and includes an outline of the Ten General Principles of Public Life.
- 7.4 Successful co-opted members will be required to complete the Members' Register of Interests. Completed forms are held by the Monitoring Officer at Wyre Forest District Council and are published on both councils' websites.
- 7.5 A councillor is expected to attend all scheduled meetings; Stourport-on-Severn Town Council meets monthly and committees and working groups meet as scheduled which report to the full council.
- 7.6 Further information about the town council can be found online at <https://stourporttowncouncil.gov.uk/Procedure for Casual Vacancies>

8. Procedure for Casual Vacancies

- 8.1 When a vacancy arises following:
- i) a Councillor's resignation
 - ii) death of a Councillor
 - iii) disqualification of a Councillor
 - iv) failure of a Councillor to remain qualified. The process to fill the vacancy is as follows:
- 8.2 The Clerk must notify the Returning Officer at Wyre Forest District Council of the vacancy.
- 8.3 Then either:
- i) The Town Council must display a Casual Vacancy Notice informing the residents of the town of the vacancy. The notice will run for 14 days (not counting weekends or bank holidays) from the date it is displayed on town noticeboard and gives the residents the opportunity to call for an election to fill the vacancy during this period.
 - ii) Or, if the vacancy occurs within six months of the next scheduled elections for the Town Council, there is no option to hold an election. The Town Council may fill the

vacancy by co-option.

- 8.4 During the period of fourteen days indicated on the Casual Vacancy Notice, ten electors from the town can call for an election to be held to fill the vacancy. If an election is not called, the Town Council is notified by the Returning Officer and the position must be filled by co-option as soon as practicable.
- 8.5 If eighteen, or fewer, valid nominations are received for the Town Council quadrennial elections, all those validly nominated will be declared elected.
- 8.6 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). The Town Council might at its discretion give public notice of vacancies which arise in these circumstances to encourage transparency and to attract more applicants. The co-option procedure will be as described in this document.

9. Co-Option

- 9.1 Although the process for co-option is not prescribed in law, it is important that all applicants be treated alike so that the arrangements are open and fair. The co-option process adopted by Stourport-on-Severn Town Council is as follows:
- 9.2 The Town Council will advertise the vacancy (or vacancies) on the Town Council noticeboards, on the website and on Social Media. The notices will include:
- i) A contact point so that people considering putting their names forward for co-option can obtain more information on the role of a town councillor;
 - ii) The co-option process;
 - iii) The closing date for all expressions of interest – If appropriate
 - iv) The date on which the Town Council intends to decide – If appropriate
- 9.3 It is permissible for Town Councillors (or any parishioner) to approach individuals to suggest that they might wish to consider putting their names forward for co-option.
- 9.4 Candidates found to be offering inducements of any kind will be disqualified.
- 9.5 All candidates will be expected to put their request for consideration in writing using the standard Vacancy Application Form, obtained from the town council office or from the website, along with the following additional information where applicable: -
- i) reason for wishing to be councillor;
 - ii) previous community/council work;
 - iii) other skills that will be appropriate to the council.
- 9.6 It will be a condition of membership that a council email address will be provided. Electronic Council communication will only be permitted through this channel.
- 9.7 Completed application forms will be circulated to town council members in advance of the meeting at which the co-option will be discussed. Discussion will take place in a public council session without intervention from the candidates or public.

10. Co-Option – At a Town Council Meeting

- 10.1 Notice of the intention to co-opt will be included on the agenda for the meeting of the Town Council under a dedicated heading.
- 10.2 Applicants may be invited to the meeting to introduce themselves and to provide Councillors with the opportunity to ask questions of them, or the Town Council can decide to rely on the written submissions alone.
- 10.3 If applicants are not invited to speak at the co-option meeting, they are welcome to attend as a member of the public, however it is not mandatory.
- 10.4 There are no special reasons which justify excluding the public during a council meeting, (s.1(2) Public Bodies (Admission to Meetings) Act 1960) when it is making decisions about a matter of public interest such as co-option.

11. Co-Option Voting Process and Following the Vote

- 11.1 A resolution may be put that the vote is not taken during the designated meeting and may be deferred whilst further enquiries are made.
- 11.2 A vote will be taken in the manner as described in the council's Standing Orders; all candidates will be considered.
- 11.3 If there are more applicants than seats, the applicant with the least number of votes cast will be eliminated and the vote taken again and so on, until the number of candidates equals the number of vacancies.
- 11.4 Candidates will be furnished with a full agenda of the meeting at which they are to be considered for selection, plus a copy of the members' code of conduct and standing orders of the council.
- 11.5 The successful candidate(s) will immediately sign a Declaration of Acceptance of Office and can then act as a councillor. They are to be reminded that their entry to the Members' Register of Interests must be completed within 28 days and a copy passed on to the monitoring officer.
- 11.6 Each newly co-opted member will receive an induction pack containing relevant information about the council including relevant policies and regulations.
- 11.7 Training opportunities will be available during the subsequent term of office and councillors are encouraged to take advantage of this opportunity.
- 11.8 A copy of this procedure and associated documents will be given to all potential candidates.



STOURPORT-ON-SEVERN TOWN COUNCIL

APPLICATION FOR A CASUAL VACANCY FOR A COUNCILLOR

..... Ward

To stand for election to become a town councillor, please confirm the following:

Qualifications (as provided in the Local Government Act 1972, s79):

- Will you be at least 18 years old on the date of co-option? Please tick if YES
- Are you a British citizen, an eligible Commonwealth citizen, a citizen of any other Member State of the European Union? Please tick if YES

In addition, you must be able to comply with at least one of the following four statements: please tick as many as apply to you.

1. My name is on the current electoral register of the town. (The office can verify this)
2. I have occupied as owner or tenant any land or other premises within the town for at least the last 12 months.
3. My main or only place of work has been in the town for at least the last 12 months.
4. I have lived in the town or within 3 miles/4.8 kms of the town boundary (as the crow flies) for at least the last 12 months.

Disqualifications (as provided in the Local Government Act 1972, s80). Please tick any of the following six statements if they apply to you, otherwise delete:	
1. I hold a paid office or any other position of profit with Stourport-on-Severn Town Council	<input type="checkbox"/>
2. I have been surcharged by the District Auditor for £500 or more.	<input type="checkbox"/>
3. I have been disqualified by a court from holding public office.	<input type="checkbox"/>
4. I have been declared bankrupt at some point in my life.	<input type="checkbox"/>
5. I have been convicted of an offence where the sentence of imprisonment was more than 3 months (even if sentence suspended)	<input type="checkbox"/>
6. I have been found guilty of corrupt or illegal practices under Election Laws.	<input type="checkbox"/>

Please note: your application is likely to fail if any of the 6 'disqualification' statements is ticked.

If successful, you will be required to complete an entry in the council's register of members' interests. This involves putting your address, employment, relevant major shareholdings and membership of charities, pressure groups, political parties etc., on public record.

Full name	Title: First Name: Other Names: Surname:
Address	Phone: Email:
Please indicate in no more than 100 words why you would like to join the Town Council	

What do you personally feel the role of a Town Councillor to be:
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What do you feel are this Council's strengths and weaknesses:
