

# **CREWE TOWN COUNCIL**

## **CO-OPTION TO A CASUAL VACANCY POLICY**

In the event no election is called to fill a Councillor vacancy for Crewe Town Council, the Council may co-opt membership to the Town Council in accordance with legislation defined in the Local Elections (Parishes and Communities) (England and Wales) Rules 2006, the Representation of the People Act 1983, the Localism Act 2011 and the Local Government Act 1972. The Town Council will follow a process which is fair, open and transparent and in compliance with the Equality Act 2010

Consideration will also be given to advice and guidance provided by bodies such as the National Association of Local Councils (NALC), the Society of Local Council Clerks (SLCC) and the Cheshire Association of Local Councils (ChALC)

### **1 Introduction**

- 1.1 This policy sets out the procedure to ensure there is compliance with legislation and continuity of procedures in the co-option of members to Crewe Town Council.
- 1.2 The co-option procedure is entirely managed by the Council, and this policy will ensure that a fair and equitable process is carried out.
- 1.3 The co-option of a Town Councillor occurs in two (2) instances:-
  1. When an ordinary vacancy has arisen on a Town Council after the ordinary elections held every four (4) years,
  2. When a casual vacancy has arisen on a Town Council and no poll (by-election) has been called.
- 1.3 The Council is composed of six (6) wards:-
  - Crewe North
  - Crewe East
  - Crewe South
  - Crewe West
  - Crewe Central
  - Crewe St Barnabas.

### **2 Ordinary vacancy**

- 2.1 An ordinary vacancy occurs when there are insufficient candidates to fill all the seats on a Town Council at the ordinary elections held every four (4) years. Any candidates who were nominated are automatically elected to the Town Council and any remaining vacancies are known as “ordinary vacancies”. Provided there are enough Town Councillors to constitute a quorum, the Town Council is usually able to co-opt a volunteer to fill the vacancies.

### **3 Casual vacancy**

- 3.1 In accordance with the Local Government Act 1972, a casual vacancy occurs when:-
  - A Councillor fails to make their declaration of acceptance of office with the proper time,
  - A Councillor resigns,
  - A Councillor dies,
  - A Councillor becomes disqualified,
  - A Councillor fails for six (6) months to attend meetings of a council committee, sub-committee or to attend as a representative of the Council a meeting of an outside body.

- 3.2 A Town Council has to notify the Borough Council, Cheshire East Council, of a casual vacancy and then advertise the vacancy and give electors for the ward the opportunity to request an election. This occurs when ten (10) electors write to the Borough Council stating that an election is requested.
- 3.3 If a by-election is called, a polling station will be set up by Cheshire East Council and the people of the Ward will be asked to go to the polls to vote for candidates who will have put themselves forward by way of a nomination paper. Crewe Town Council will pay the costs of the election. The people of the ward have fourteen (14) days (not including Saturdays, Sundays, Christmas Eve, Christmas Day, Maundy Thursday, Good Friday, a Bank Holiday and any day of public thanksgiving or mourning), to claim the by-election, but the Electoral Services Office of Cheshire East Council will advise the Clerk of the closing date.
- 3.4 If more than one (1) candidate is then nominated, a by-election takes place but if only one (1) candidate is put forward they are duly elected without a ballot.
- 3.5 If ten (10) residents do not request a ballot within fourteen (14) days of the vacancy notice being posted, as advised by the Electoral Services Office of Cheshire East Council, the Town Council is able to co-opt a volunteer.

#### **4 Confirmation of Co-Option**

- 4.1 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.
- 4.2 The Clerk will:-
- Advertise the vacancy for four weeks (28 days including Saturdays, Sundays, Christmas Eve, Christmas Day, Maundy Thursday, Good Friday, a Bank Holiday and any day of public thanksgiving or mourning) on the Council Noticeboard and the Councils website
  - Advise Cheshire East Council that the co-option policy has been instigated.
- 4.3 This procedure will also apply in the case of an ordinary vacancy where the Electoral Services Office at Cheshire East Council has confirmed that there were insufficient nominations to fill all the seats but there are sufficient Town Councillors elected to constitute a quorum.

#### **5 Eligibility of Candidates**

- 5.1 The Town Council is able to consider any person to fill a vacancy provided that:
- They are 18 years old or over,
  - They are a British citizen, a qualifying Commonwealth citizen or a citizen of any other member state of the European Union;

and at least one of the following apply:-

- They are an elector for the Parish and continues to be an elector,
- Or has resided in the Parish for the past twelve (12) months or rented/tenanted land in the Parish,
- Or has had their principal or only place of work in the Parish for the past twelve (12) months,
- Or has lived within three (3) miles (4.8km) of the Parish for the past twelve (12) months.

5.2 In accordance with the Local Government Act 1972, there are certain disqualifications for being a Town Councillor which are:-

- Holding a paid office or employment under the Town Council,
- Bankruptcy or interim order,
- 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,
- Being disqualified under any enactment relating to corrupt or illegal electoral practices,
- Being convicted for failure to register or declare disclosable interests under the Localism Act 2011

## **6 Applications**

6.1 Candidates will be requested to:

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

6.2 Following receipt of applications, the next suitable Council meeting will have an agenda item 'To receive written applications for the office of Town Councillor and to co-opt a candidate to fill the existing vacancy'.

6.3 Eligible candidates will be invited to attend the meeting.

6.4 Copies of the eligible candidates' applications will be circulated to all Town Councillors by the Clerk at least three (3) clear days prior to the meeting of Council, when the co-option will be considered.

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

## **7 Co-Option**

7.1 At the Council meeting, candidates will be given five (5) 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 carried out in the public session and there will be no private discussions between Members prior to a vote being taken. However, where the Town Council is discussing the merits of candidates and inevitably their personal attributes, this could be prejudicial, and the Town Council should resolve to exclude the members of the press and public.

7.2 Following the candidate presentations/addresses, members will proceed to a vote in the form of an anonymous ballot.

7.3 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 (2) 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. If there is no successful candidate (e.g. if one applicant, but fails to receive a majority of support for their candidacy) the vacancy will be advertised again and the co-option process repeated (as per this policy) until a candidate is successfully co-opted to Council (or until the vacancy is filled by normal election)

7.4 Further rounds of voting will then take place with the process repeated until a candidate has an absolute majority. In the event of a tied ballot, the Mayor has the casting vote.

7.5 Where there is more than one ward in consideration for co-option, ballots will be held in ward alphabetical order. A co-option applicant can indicate on their application which ward (or all wards) they wish to be considered for and may, if unsuccessful in preceding ballots, be included in later ballots (based on ward alphabetical order).

- 7.6 The ballot(s) will be counted by the Clerk, being observed by an Officer.
- 7.7 If present, a candidate who is co-opted will sign a Declaration of Acceptance of Office, including an undertaking to abide by the Town Council's Code of Conduct, and may take office thereafter. If not present, a co-opted candidate will sign the Declaration of Acceptance of Office either before or at the next meeting of the Town Council.
- 7.8 The Clerk will notify the Electoral Services Office at Cheshire East Council of the co-option of the new Town Councillor.
- 7.9 The co-opted Town Councillor will complete a Register of Interests form.
- 7.10 If insufficient candidates are co-opted, whereby the vacancies are again advertised and the process is repeated.

## Annex 1: Co-opted Councillor Person Specification

**This table suggests essential and desirable skills for candidates of the casual vacancy.**

Competency	Essential	Desirable
<b>Personal Attributes</b>	<ul style="list-style-type: none"> <li>• Sound knowledge and understanding of local affairs and the local community.</li> <li>• Forward thinking.</li> </ul>	Can bring a new skill, expertise or key local knowledge to the Council.
<b>Experience, Skills, Knowledge and Ability</b>	<ul style="list-style-type: none"> <li>• Ability to listen constructively.</li> <li>• A good team player.</li> <li>• Ability to pick up and run with a variety of projects.</li> <li>• Solid interest in local matters.</li> <li>• Ability and willingness to represent the Council and their community.</li> <li>• Good interpersonal skills and able to contribute opinions at meetings whilst willing to see others views and accept majority decisions.</li> <li>• Ability to communicate succinctly and clearly.</li> <li>• Ability and willingness to work closely with other members and to maintain good working relationships with all members and staff.</li> <li>• Ability and willingness to work with the Council's partners (e.g. voluntary groups, other parish Councils, principal authority, charities)</li> <li>• Ability and willingness to undertake induction training and other relevant training.</li> </ul>	<ul style="list-style-type: none"> <li>• Experience of working or being a member in a local authority or other public body</li> <li>• Experience of working with voluntary and or local community / interest groups</li> <li>• Basic knowledge of legal issues relating to town and parish Councils or local authorities</li> <li>• Experience of delivering presentations</li> </ul>
<b>Circumstances</b>	Ability and willingness to attend meetings of the Council (or meetings of other local authorities and local bodies) at any time and events in the evening and at weekends.	

NOTE: The above specification is purely a guide to indicate some form of suitability and cannot be used as a measure to exclude a candidate

## **Annex 2: Casual Vacancy Form**

We aim to encourage applications from anyone in the town who is eligible to stand.

Councillors or parishioners can approach individuals to suggest that they might wish to consider putting their names forward for co-option.

As a minimum, co-option vacancies will be advertised on the website and on the noticeboard. The advertisement for the co-option will include:-

- a. Method by which applications can be made – this will be in writing to the Clerk
- b. The closing date for applications
- c. Contact point for potential candidates to obtain more information – the Clerk
- d. Advice that further information is available on request
- e. A form to complete which includes asking the candidate why they would like to be a Councillor; name; address and other contact details. When applications are received, the Clerk will confirm eligibility.

Any candidate found to be offering inducements will be disqualified.

Attendance following an application will be requested

All candidates will be sent a copy of the agenda.

### **Voting to Co-opt a Councillor**

In the event of a candidate being unable to attend, their application will still be considered by Members. In the event of a candidate being related to a Councillor, then the Councillor would be expected to declare an interest and request a dispensation to speak and vote.

Voting will be by ballot. The Clerk will collect the ballots, record the voting numbers on the ballot record sheet (for each round of voting). The decision must be made by a majority of members who are present and voting. Where there are more than two (2) candidates for the vacancy, it may be necessary to run a series of votes, each time removing the candidate who has the least number of votes until one candidate secures an absolute majority. If there is more than one (1) vacancy then each vacancy must be filled by a separate vote or series of votes.

The Mayor (or person presiding over the meeting) may vote, and if there is an equality of votes they may exercise their casting vote. The Council's vote on the co-option must be conducted in the public section of its meeting. It follows that the candidates, as members of the public, will be entitled to be present during the proceedings.

The successful candidate(s) are asked to start as a Councillor immediately after completing their Declarations of Acceptance of Office. The new Member should have received an agenda however, the fact that they have not received a summons does not make their attendance as a Councillor illegal. (Local Government Act 1972 Sch 12, para 10(3)). Where appropriate they will also be appointed to any Council Committee. If an absent candidate is successful, members must agree to the signing the declaration of acceptance of office before or at the very start of the next meeting. New Councillors will also be made aware of the fact that Interests Forms will need to be completed within 28 days of co-option.

# Crewe Town Council

## Application to Fill a Casual Vacancy for a Councillor

<enter ward name here> Ward

### To stand for election to become a parish councillor you must be:

- At least 18 years old on the day of your nomination, and
- A British citizen, an eligible Commonwealth citizen or a citizen of any other member state of the European Union

You must also meet at least one of the following four qualifications:

- You are, and will continue to be, registered as a local government elector for the parish in which you wish to stand from the day of your nomination onwards
- You have occupied as owner or tenant any land or other premises in the parish area during the whole of the 12 months before the day of your nomination and the day of election
- Your main or only place of work during the 12 months prior to the day of your nomination and the day of election has been in the parish area
- You have lived in the parish area or within three miles of it during the whole of the 12 months before the day of your nomination and the day of election

### Disqualifications from standing

There are certain people who are disqualified from being elected to a parish or community council in England and Wales.

You cannot be a candidate if at the time of your nomination and on the day of the election, **any** of the following are true:-

- You are employed by the parish council or hold a paid office under the parish/community council (including joint boards or committees),
- You are the subject of a bankruptcy restrictions order or interim order,
- You 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 polling day
- You 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

A person may also be disqualified from election if they have been disqualified from standing for election to a local authority following a decision of the First-tier Tribunal (formerly the Adjudication Panel for England or Wales).

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:
Will you be at least 18 years old on the date of the Meeting	Yes / No
In order for your eligibility to be confirmed please tick all of the following that apply to you  For full detail on eligibility please refer to Cheshire East Council's electoral officer.	<ol style="list-style-type: none"> <li>1. On the current electoral register for the Parish/Ward (on-going requirement; you are required to remain on the register throughout your term of office) <input type="checkbox"/></li> <li>2. Have lived in the parish or within 3 miles of the parish boundary during the whole of the 12 months before the day of nomination &amp; election <input type="checkbox"/></li> <li>3. Main place of business during the last 12 months before the day of nomination &amp; election is based in the parish <input type="checkbox"/></li> <li>4. Occupy as owner or tenant property within the parish for 12 months before the day of nomination &amp; election <input type="checkbox"/></li> </ol>
Please indicate in no more than 100 words why you would like to join the Parish Council	



What do you personally feel the role of a Town Councillor to be.

What do you feel are this councils strengths and weaknesses.

How would you personally be able to build on these

What qualities, skills and experience do you have to offer to this council

Why do you want to be a town Councillor.

Please provide any additional information you feel would support your application to be a town councillor (you can continue on additional sheets if needed).

<p>You would be disqualified from being a councillor for the reasons stated on the front cover of this application. Please refer to that information before</p>	<p>I am not aware of any disqualification to my serving as a Councillor</p> <p>Signed : .....</p>
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completing this application form.	
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I confirm the above information is correct to the best of my knowledge.

I also confirm that by signing I am confirming that Crewe Town Council may process my personal data for the purposes of this application under the GDPR.

Signed : .....

Date: .....

Please return completed form and any supporting information to:

Town Clerk  
Crewe Town Council  
1 Chantry Court  
Forge Street  
Crewe  
CW1 2DL

Or email to [support@crewetowncouncil.gov.uk](mailto:support@crewetowncouncil.gov.uk)

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