

The background of the page features a large, faded coat of arms of Northam Town Council. It depicts a central shield supported by two figures, with a crest above and a motto scroll below. The shield is divided into four quadrants, each containing a different symbol. The crest shows a red lion passant guardant on a white shield. The motto scroll at the bottom contains the text 'NORTHAM TOWN COUNCIL'.

**NORTHAM TOWN COUNCIL
COUNCILLOR CO-OPTION
PROCEDURE AND POLICY**

Adopted by Northam Town Council on 18th September 2024.

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V0.1	28 TH August 2024	First draft for consideration	Town Clerk
V0.2	18 th September 2024	Correction of typographical errors. Inclusion of clarity regarding the non-payment of allowances to co-opted members.	Town Clerk

NORTHAM TOWN COUNCIL - COUNCILLOR CO-OPTION

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 Northam Town Council.

1.2 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.

1.3 Should a casual vacancy occur with less than six (6) months to run before the date of the next ordinary elections for the Town Council, then the Council is not obliged to fill the casual vacancy and it may remain vacant (see paragraphs 2.8 - 2.10 below).

2. REASONS FOR CO-OPTION

Vacancies arising on the Town Council following an ordinary election

2.1 Where insufficient members are elected at an ordinary election, but the Town Council nevertheless has a quorum, it has thirty-five (35) days from the date of the election to co-opt persons to fill those vacancies without the necessity of advertising for a potential by-election. In this circumstance, notification of the vacancies to the District Council is not required.

2.2 Paragraph 12 of Part II of Schedule 12 to the Local Government Act 1972 provides that three or one third of the total number of Councillors, whichever is greater, is necessary for a meeting to have a quorum. In its Standing Orders, Northam Town Council has determined that Meetings of the Full Council shall have a quorum of seven members.

Vacancies arising on the Town Council at other times (casual vacancies and bi-elections)

2.3 The co-option of a Town Councillor occurs after a casual vacancy has arisen on the Council and no poll (by-election) has been called (this occurs when ten (10) electors write to the District Council stating that an election is requested). A casual vacancy occurs when

- i A councillor fails to make his declaration of acceptance of office at the proper time;
- ii A councillor resigns;
- iii A councillor dies;
- iv A councillor becomes disqualified; or
- v A councillor fails to attend a relevant meeting for six (6) consecutive months after his/her last attendance. A relevant meeting is defined as a meeting of the council, or any of its committees or sub-committees, or to attend as a representative of the Town Council a meeting of an outside body.

2.4 The Town Council is required to notify Torridge District Council of a casual vacancy, to advertise the vacancy and to give electors the opportunity to request an election.

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2.5 If a by-election is called, the District Council will administer the process. The Town Council will be eligible to pay any costs of the election. The people of the town/ward have fourteen days (14 days) - not including weekends, bank holidays and other notable days - to request the vacancy be filled by election; however, the District Council's electoral officer will advise the Town Clerk of the closing date.

2.6 If more than one candidate is then nominated, a by-election will be held. However, should only one candidate be put forward, they are duly elected without an electoral ballot.

2.7 If ten (10) electors of the relevant ward do not request a ballot within the fourteen days of the vacancy notice being posted, as advised by the District Council, the Council is able to co-opt a volunteer.

Casual vacancies arising within six months of an election

2.8 Where a casual vacancy in the office of a Town Councillor occurs within six (6) months before the day on which the Councillor would have regularly retired (at the next ordinary election) the Council may, as soon as practicable after the expiry of the period of 14 days after public notice of the vacancy has been given, co-opt a person to fill the vacancy.

2.9 Any vacancy which is not may be filled at the next ordinary election.

2.10 Casual vacancies that occur before the six-month period are not affected by the six-month rule in any way.

Confirmation of co-option

2.11 On receipt of written confirmation from the Electoral Services Office of the District Council that there has not been a sufficient number of requests for a by-election, the casual vacancy may be filled by means of co-option. The Town Clerk will:

- i Advertise the vacancy for four weeks on the Council notice boards and website
- ii Advise the Council and its Members that the Co-option Policy will be instigated.

2.12 Where the number of candidates is less than or equal to the number of vacancies, the candidates shall be appointed to the council if they meet the eligibility criteria and they are not disqualified.

2.13 Councillors elected by co-option are full members of Northam Town Council, with the same rights and responsibilities as members elected at ordinary or by-elections.

2.14 In accordance with the [Local Authorities \(Members Allowances\) \(England\) \(Amendment\) Regulations 2004 Regulation 6](#), allowances may only be paid to elected members of the Town Council. Travel and subsistence expenses associated with the proper conduct of the office if Council may be reimbursed at the standard rates, if correctly claimed.

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3. ELIGIBILITY OF CANDIDATES

3.1 The Council is able to consider any person to fill a vacancy provided that:

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

3.2 There are certain disqualifications for election (see Part V, Section 80 of the Local Government Act 1972), of which the main are:

- i holding a paid office under the local authority;
- ii bankruptcy;
- iii 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
- iv being disqualified under any enactment relating to corrupt or illegal practices.

3.3 Candidates found to be offering inducements of any kind will be disqualified.

4. APPLICATIONS FOR CO-OPTION

4.1 Members may point out the vacancies and the process to any qualifying candidate(s).

4.2 Although there is no Statutory Requirement to do so, candidates will be requested to:

- i Submit information about themselves, by way of completing a short application form. See Appendix (a), and
- ii Confirm their eligibility for the position of Councillor within the statutory rules. See Appendix (b).

4.3 Following receipt of applications, the next suitable Council meeting will have an agenda item, for example:

To receive and consider written applications for the office of Town Councillor in the (named) Ward and to Co-opt a candidate to fill the existing vacancy.

4.4 Copies of the candidates' applications will be circulated to all Councillors by the Town Clerk at least three (3) clear days prior to the meeting of the Council, where the candidates for co-option is to be considered. All such documents will be treated by the Clerk and all Councillors as strictly private and confidential.

4.5 Candidates will be sent a full agenda of the meeting at which they are to be considered for appointment, together with an electronic copy of the Council's Code of Conduct, Standing Orders and Financial Regulations of the Council. Candidates will

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also be informed that they will be invited to speak in support of their application at the meeting.

5. THE CO-OPTION MEETING

5.1 At the co-option meeting, candidates will be invited to introduce themselves to members, give information on their background and experience and explain why they wish to become a member of Northam Town Council (10 minutes maximum).

5.2 The process will be carried out by suspending standing orders to allow the candidate to speak.

5.3 Where the Council wishes to discuss the merits of candidates, this could be prejudicial and the Council will be required to resolve to exclude the members of the press and public from the meeting.

5.4 As soon as all candidates have finished giving their submissions, the Council will proceed to a vote on the acceptability of each candidate, utilising the 'person specification' criteria set out in Appendix C, any personal statements and responses to Members' questions made by the candidates.

5.5 Any vote to elect a member by co-option shall be by secret ballot.

5.6 Voting will be according to the statutory requirements, in that an absolute majority vote procedure will be used, to select a successful candidate. Appendix (d) contains further details of the voting procedures and instances where an absolute majority vote and/or a relative majority vote be used. A number of examples (not exhaustive) of possible voting situations are provided.

5.7 If there are more than two (2) candidates for a vacancy and no single candidate receives an overall majority in the first round of voting, the candidate with the least number of votes will then be removed. Further rounds of voting will then take place with the process repeated until a candidate receives the required majority.

5.8 In the case of an equality of votes, the Mayor (or Chair of the meeting, in the absence of the Mayor) may exercise their second or casting vote.

5.9 In circumstances where there are candidates for more than one councillor vacancy, then each councillor vacancy will be considered and voted separately.

5.10 After the vote has been concluded, the Mayor (or Chair of the meeting, in the absence of the Mayor) will declare the successful candidate duly elected.

5.11 After the completion of the co-option procedure, new councillor(s) will be invited to sign their Declaration of Acceptance of Office and may take their seat with immediate effect.

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5.12 The Clerk will notify Electoral Services at the District Council of the new Councillor appointment(s). The successful candidate(s) must complete the 'Registration of Interests' within the required twenty-eight (28) days of being elected. The form(s) should be handed to the Town Clerk for forwarding to the Monitoring Officer.

5.13 If insufficient candidates come forward for co-option, the process should continue, whereby the vacancy/ies are again advertised.

Definitions

a) Absolute Majority: defined as a candidate receiving more than half (50%) of the total votes cast and disregarding abstentions. In practical terms, this occurs when a candidate receives at least 50% of the total votes cast + 1 vote.

b) Relative Majority: defined as receiving more votes than any other candidate but receiving less than half of the total votes cast, as when there are more than two candidates.

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APPENDIX A: Application for Co-option

Thank you for your interest in becoming a Northam Town Councillor. Please provide the below information to assist the council in making their decision. *(boxes will expand as you type.)*

Title and Full Name	
Home Address	
Home Telephone	
Mobile Telephone	
Email Address	

About You Please provide the Council with some background information about yourself.
Reasons for applying Please provide the Council with your reasons for wanting to become a Northam Town Councillor.

Are there any pecuniary or other interests you need to declare? If yes, please briefly describe them.	
Signature	

Please return your completed application (comprising forms Appendix A and B) to the Town Clerk at the Council Offices on Windmill Lane, Northam, EX39 1BY or by email to townclerk@northamtowncouncil.gov.uk. Your application will be considered at the next suitable Council meeting, where a vote will be held to decide whether the Council agrees to co-opt you onto Northam Town Council.

Data Protection Act: The information provided on this application will remain private and Confidential.

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APPENDIX B: Co-option Eligibility Form

In order to be eligible for co-option as a Northam Town Councillor you must be either:

- a British subject, or
- a citizen of the Commonwealth, or
- a citizen of the European Union; and
- on the 'relevant date' (i.e. the day on which the selection meeting takes place) be 18 years of age or over; and

Additionally, you must be able to meet one of the following qualifications set out below. Please tick which applies to you:

I am registered as a local government elector administrative parish of Northam; or

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 administrative parish of Northam; or

My principal or only place of work during those twelve months has been in the administrative parish of Northam; or

I have during the whole of twelve months resided in the administrative parish of Northam or within 3 miles of it.

Please note that under Section 80 of the Local Government Act 1972 a person is disqualified from being elected as a Local Councillor or being a member of a Local Council if they:

- Hold any paid office or employment of the Town Council; or
- Are a person who has been adjudged bankrupt or has made a composition or arrangement with his/her creditors (but see below); or
- Have within five years before the day of election, or since their election, 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
- Is otherwise disqualified under Part III of the representation of the People Act 1983 for corrupt or illegal practices.

A disqualification for bankruptcy ceases in the following circumstances:

- If the bankruptcy is annulled on the grounds that either the person ought not to have been adjudged bankrupt or that his/her debts have been fully discharged;
- ii) If the person is discharged with a certificate that the bankruptcy was caused by misfortune without misconduct on his/her part;
- iii) If the person is discharged without such a certificate.

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NOTES:

In i) and ii) above, the disqualification ceases on the date of the annulment and discharge respectively.

In iii), it ceases on the expiry of five (5) years from the date of discharge.

DECLARATION

I, hereby confirm that I am eligible for the vacancy of Northam Town Councillor, and the information given on this form is a true and accurate record.

Signature:	
Date:	

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APPENDIX C: Role Description and Person Specification for the role of Town Councillor

Role Description for Northam Town Councillor

Responsible to: The Town Council and its electors.

Responsible for: Effective leadership to foster the interests of the communities making up Northam Town Council.

Role Purpose: To represent the views of the community.

Main Duties and Responsibilities

1. To participate constructively in the government of Northam Town administrative parish.
2. To participate fully in the formation and scrutiny of the Town Council's policies, budgets, strategies, service delivery and other projects
3. To ensure, with other Councillors, that the Town Council is properly managed
4. To keep up to date with significant developments affecting the Town Council at local, regional and national levels
5. To promote the economic, social and environmental well-being of the Parish taking account of the strategic effects on other communities and the Parish Council as a whole
6. To deal with electors' enquiries, representations and complaints
7. To represent the electorate, listen, and then represent the views of the community when discussing council business and working with outside bodies
8. To take an active part in the Council's arrangements to build community capacity
9. To attend Town Council and committee meetings (as appropriate) when summoned and to submit apologies (with reasons) when they are unable to attend
10. To prepare for meetings and be properly informed about the issues to be discussed
11. To take part constructively in meetings and form sound judgments based on what is best for the community and then abide by majority decisions
12. To represent the Town Council and its community on outside bodies to which the Councillor is appointed
13. To maintain proper standards of behaviour as an elected representative of the people
14. To fulfil the statutory and locally determined requirements of an elected member of a Town Council, including compliance with all relevant Codes of Conduct and maintaining high ethical standards, (including not disclosing confidential information and not using council resources for political purposes or for any other reason unless agreed by the Council)
15. To participate effectively as a member of any committee or working group to which the Councillor is appointed
16. To contribute constructively to open government and democratic renewal, to actively encourage the Town Council to participate generally in the government of the area, and provide access to information where appropriate

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17. To uphold the Parish Council's Standing Orders and ethical standards (ensuring that the impartiality of council staff is not compromised).

Skills and Qualities normally needed by a Town Councillor (see Person Specification below)

- Having ideas, then exploring and expanding these and other ideas
- Interpreting information
- Visualising what might/might not happen
- Seeing the 'bigger picture'
- Measuring and comparing results
- Reviewing and assessing objectively
- Drawing conclusions
- Making decisions
- Working collaboratively
- Dealing with conflict but not creating it
- Prioritising time, resources and finance
- Understanding budgets and financial paperwork
- IT skills
- Public speaking

Other Information

There are fourteen (14) seats on the Town Council, four (4) for the wards of Appledore and Westward Ho! and six (6) for the Northam ward. Councillors are elected every four years. A Mayor and Deputy Mayor are elected annually. If a Councillor resigns, the vacancy may be filled by election or co-option.

Town Council meetings are held once a month in the Town Hall, Windmill Lane, Northam, EX39 1BY, normally starting at 6.30pm. The meetings are open to the public.

All Councillors must complete a Register of Members' Interests on joining and are expected to declare any specific interest in agenda items.

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APPENDIX C: Role Description and Person Specification for the role of Town Councillor

Person Specification for a co-opted Northam Town Councillor

Skill area	Essential	Desirable
Personal Attributes	<p>Sound knowledge and understanding of local affairs and the local community.</p> <p>Forward Thinking.</p>	<p>Can bring a new skill, expertise or key local knowledge to the Council.</p>
Experience, Skills, Knowledge and Ability	<p>Ability to listen constructively.</p> <p>A good team player.</p> <p>Ability to pick up and run with a variety of projects</p> <p>Solid Interest in local matters.</p> <p>Ability and willingness to represent the Council and their community.</p> <p>Good interpersonal skills and able to contribute opinions at meetings whilst willing to see others views and accept majority decisions.</p> <p>Ability to communicate succinctly and clearly.</p> <p>Ability and willingness to work closely with other members and to maintain good working relationships with all members and staff.</p>	<p>Experience of working or being a member in a local authority or other public body.</p> <p>Experience of working with voluntary and or local community / interest groups.</p> <p>Basic knowledge of legal issues relating to town and parish Councils or local authorities.</p> <p>Experience of delivering presentations or public speaking.</p> <p>Experience of formal meeting and an understanding of meeting protocol.</p>

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	<p>Ability and willingness to work with the Council's partners (e.g. community and voluntary groups, other local Councils, principal authority, charities, etc.).</p> <p>Ability and willingness to undertake induction training and other relevant training.</p>	
<p>Circumstances</p>	<p>Ability and willingness to attend meetings of the Council (or meetings of other local authorities and local bodies) and community or Council events at any time including the evening and at weekends.</p>	

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APPENDIX D: Voting Procedures & Examples

1. VOTING PROCEDURES

i) Councillors shall vote by secret ballot. It will be normal practice for the Town Clerk to prepare and distribute ballot voting forms to councillors to record their votes.

ii) Voting will be according to the statutory requirements, in that an absolute majority vote procedure, will normally be used to select a successful candidate.

Definitions

a) **Absolute Majority:** defined as a candidate receiving more than half (50%) of the total votes cast and disregarding abstentions. In practical terms, this occurs when a candidate receives at least 50% of the total votes cast + 1 vote.

b) **Relative Majority:** defined as receiving more votes than any other candidate but receiving less than half of the total votes cast, as when there are more than two candidates.

iii) If there are more than two (2) candidates for a vacancy and no single candidate receives the required absolute majority in the first round of voting, the candidate with the least number of votes will then be removed and will not take part in any further voting rounds for the vacancy.

iv) A further round of voting will then take place, with the process being repeated, if necessary, until a candidate receives the required majority votes.

v) In the case of an equality of votes, the Mayor (or Chair of the meeting, in the absence of the Mayor) has a second or casting vote.

vi) In instances where there are more than two (2) candidates and an equality of votes situation may occur, the Council may consider it necessary to temporarily use a Relative Majority voting procedure, in order that the Mayor (or Chair of the meeting, in the absence of the Mayor) will have a second casting vote to resolve a voting equality deadlock at an intermediate stage of the voting procedures. (See Scenario B below.)

vii) The Mayor (or Chair of the meeting, in the absence of the Mayor) of the meeting will announce the name of the successful candidate for the casual vacancy.

More than one casual vacancy

viii) In circumstances where a number of casual vacancies occur simultaneously, then the selection and voting procedures for each of these co-option vacancies will be considered individually, i.e. one-at-a-time and the voting procedures for each casual vacancy shall be used, as detailed above.

ix) For a multiple casual vacancy situation where, during the voting processes for the first councillor vacancy, certain of the candidates may have been removed from the ballot/voting process (for having received the least votes), these candidates' names will

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be included within the list of candidates for the other casual vacancies under consideration at that time.

2. EXAMPLES OF POSSIBLE VOTING SCENARIOS

2.1 Scenario A

Four (4) candidates are applying for a casual vacancy; nine (9) councillors are present and participating in the vote.

Voting Round 1

Candidate 1 receives 2 Votes

Candidate 2 receives 3 Votes

Candidate 3 receives 3 Votes

Candidate 4 receives 1 Vote

No one candidate has received a majority vote, i.e. a majority vote would be considered to be a candidate receiving at least five (5) votes of the total votes cast. Therefore; the candidate with the least number of votes, Candidate. 4, is removed. A new round of voting now takes place with the three remaining candidates.

Voting Round 2

Candidate 1 receives 2 Votes

Candidate 2 receives 4 Votes

Candidate 3 receives 3 Votes

Once again, no one candidate has received an absolute majority; therefore Candidate 1 who has the least votes is removed. The third round of voting now takes place with the two remaining candidates.

Voting Round 3

Candidate 2 receives 6 Votes

Candidate 3 receives 3 Votes

Candidate 2 receives a clear majority, six (6) votes and therefore he/she may be offered the councillor vacancy.

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2.2 Scenario B

Four (4) candidates are applying for a casual vacancy and nine (9) councillors are present and participating in the vote. However, this example considers a somewhat more complex situation, involving equality of voting for various candidates.

Voting Round 1

Candidate 1 receives 3 Votes

Candidate 2 receives 2 Votes

Candidate 3 receives 2 Votes

Candidate 4 receives 2 Votes

Candidate 1 cannot be given the position as he/she have not received an absolute majority. However due to the equality of votes received by all of the other candidates, a relative majority procedure will be applied and Candidate 1 will now go through to Round 2 of the voting procedure.

As the other candidates each received equal votes (2 votes each), a separate vote (Round 1a) must now be taken for these three remaining candidates (2, 3 and 4) to decide which candidate will be removed.

Separate Voting Round (1a)

Candidate 2 receives 3 Votes

Candidate 3 receives 3 Votes

Candidate 4 receives 3 Votes

Each candidate has (again) received an equal number of votes; therefore, the Chairman of the meeting now has a casting vote. If the Chairman gives the casting vote to Candidate 3, then Candidate 3 goes forward to Round 2 and joins Candidate 1.

Another voting round is now taken – returning to the absolute majority procedure - in order to select the third candidate to go forward to Round 2.

Separate Voting Round (1b)

Candidate 2 receives 5 Votes

Candidate 4 receives 4 Votes

This result provides a clear majority to Candidate 2 and Candidate 4 is removed.

Candidate 2 then joins Candidates 1 and 3 for the next round of voting (Round 2).

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Voting Round 2

Candidate 1 receives 5 Votes

Candidate 2 receives 4 Votes

Candidate 3 receives 0 Votes

Candidate 1 now receives a clear majority of votes, therefore further voting is not required and Candidate 1 may be offered the Councillor vacancy.

Scenario B has assumed a somewhat complex situation, which may not occur on a regular basis, but has been included to demonstrate the procedures to be used, should such a scenario/situation arise.

2.3 Scenario C

In this scenario, there is more than one casual vacancy arising within the Town Council, simultaneously.

In this situation, and taking Scenario 1 as the example; having successfully selected Candidate 2 for the first casual vacancy, the three remaining candidates – Candidates 1, 3 and 4) - will again come forward to be considered for selection for any further casual vacancy that may also exist at that time.

The voting procedures for any other casual vacancies will also follow the agreed voting procedures.