CO-OPTION POLICY

Adopted at the **27 July 2022** meeting of Eastleigh Town Council.

Subsequent amendments agreed as follows:

Version	Owner	Date Approved	Minute Ref	Action?	Website updated	Next Review
V1 – 2022-23	Town Council	27 July 2022	41/22	Resolved	Yes	

Introduction

This policy sets out the procedure to ensure there is compliance with legislation and continuity of procedures in the co-option of members to Eastleigh Town Council. The co-option procedure is entirely managed by Eastleigh Town Council, and this policy will ensure that a fair and equitable process is carried out.

Co-option

The co-option of a town councillor occurs in two instances:

1. Ordinary vacancy after an election

An ordinary vacancy occurs when there are insufficient candidates to fill all the seats on the Council at the ordinary elections held every four years. Provided there are enough councillors to constitute a quorum, Eastleigh Borough Council will confirm in writing that the Council may co-opt persons to fill the vacancies.

2. Casual vacancy without an election

A casual vacancy occurs when a councillor vacates their seat by reason of the circumstances set out in the Local Government Act 1972 voluntarily, death, failure to attend meetings, disqualification or failing to remain qualified. If this occurs, then the electors of the Council area may request an election. If an election is not called, then Eastleigh Borough Council will confirm this in writing to the Council. Only then may the Council fill a casual vacancy by coopting a person.

The Council must co-opt to a vacancy although is not obliged to do so in the last six months of the term. The obligation to co-opt is as soon as practicably possible.

Confirmation of co-option

On receipt of notice from Eastleigh Borough Council that a vacancy may be filled by co-option, the Proper Officer will:

- Advise Eastleigh Borough Council that the co-option policy has been initiated; and
- Advertise the vacancy for four weeks or such other period as the Council may agree.

Eligibility of candidates

Any candidate for co-option must meet the qualifications for standing for election to the Council. This means that on the date that a candidate would be co-opted, they must be:

- At least 18 years old; and
- A British citizen, an eligible Commonwealth citizen or a citizen of any member state of the European Union (although the rules are shortly to change); and
- Registered as a local government elector for Eastleigh Town Council; **or**
- For the 12 months prior to the date, they would be co-opted:
    - They occupied as owner or tenant any land or other premises within the
    - Council area; or
    - their main or only place of work was within the Council's area; or
    - they lived in or within three miles of the Council's area.

Candidates are disqualified from co-option if any of the following apply:

- They hold a paid office or employment under Eastleigh Town Council;
- They are subject to a bankruptcy restrictions order;
- During the preceding five years, they have been sentenced to a term of imprisonment (whether suspended or not) of not less than three months without the option of a fine;
- They have been disqualified under any enactment relating to corrupt or illegal electoral practices.
- They are disqualified for certain sexual offences (see s 81A of the Local Government Act 1972).

Applications

Candidates can apply for co-option by completing an application form (Appendix A) and submitting a declaration of eligibility to be a councillor (Appendix B).

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

Eligible candidates will be invited to attend the meeting, and copies of their applications will be circulated to all councillors by the Proper Officer in accordance with Standing Order 15(b).

All such documents are subject to the Council's Data Protection provisions (Standing Order

21) and must be treated as strictly private and confidential.

At the co-option meeting

Candidates will have five minutes to introduce themselves to the Council and explain why they wish to be an Eastleigh Town Councillor. The process will be carried out in the public session and there will be no private discussion between councillors prior to a vote.

Councillors shall not consider nor discuss the personal attributes or characteristics of the candidates at any time. However, the Council may resolve to exclude members of the press and public for a period, to allow Councillors to disclose any relevant confidential matters concerning the statutory qualifications or pecuniary interests of a candidate.

The Council is not obliged to co-opt any particular individual.

The Council will proceed to a vote in accordance with Standing Order 9 and resolve to coopt the successful candidate(s). In accordance with Standing Order 3(s), a recorded vote may be requested. If present, a co-opted candidate will sign a Declaration of Acceptance of Office, undertake to abide by the Council's Code of Conduct and may take office thereafter. If not present, a coopted candidate will sign the Declaration of Acceptance of Office either before or at the next Council meeting.

The co-opted councillor will submit a Notification of Disclosable Pecuniary and Other Interests form to the Proper Officer. Within 28 days of co-option, the Proper Officer will notify Eastleigh Borough Council of the outcome and submit the councillor's notification of interests to the Monitoring Officer. Council should then resolve to readvertise any remaining vacancies.

Appendix A

Eastleigh Town Council: Application for co-option

Return your completed form with your Declaration of Eligibility to: townclerk@eastleigh-tc.gov.uk

Name:
Address:
Telephone Number:
Email Address:
Please describe your experience relevant to being an Eastleigh Town Councillor:
Is there any other information you would like to disclose regarding your application?

Use of Personal Information The Town Council will use your information, including that which you provide on this application form, to assess your suitability to be a Town Councillor.
Declaration and consent I have read the section entitled 'Use of Personal Information' and by signing this form I consent to the use and disclosure of my information included in this application form. **I declare the information given on this form to be true and correct.** **Signed: _____ Name: _____ Date: _____**

Appendix B

Eastleigh Town Council: Declaration of Eligibility

Check all of the following that will apply to you at the point of your co-option as an Eastleigh Town Councillor: *You must be able to check (a), (b) and at least one of (c)-(f) to qualify to be an Eastleigh Town Councillor.*	
A) I will be at least 18 years of age:	☐
B) I will be a British citizen, and eligible Commonwealth citizen or a citizen of any member state of the European Union:	☐
C) I will be registered as a local government elector for Eastleigh Town Council: For the whole of the twelve months up to the point of co-option:	☐
D) I will have occupied as owner or tenant any land or other premises in the Eastleigh Town Council area:	☐
E) My main or only place of work has been in the Eastleigh Town Council area:	☐
F) I have lived in the Eastleigh Town Council area or within three miles of it:	☐

Disqualifications

Under Section 80 of the Local Government Act 1972, you may not be a Town Councillor if any of the following apply:
a) Is employed by the town council or holds paid office (other than chairman, vice chairman or deputy chairman) under the town council (including joint boards or committees);
b) Is employed by an entity controlled by the town council;
c) Is the subject of a bankruptcy restrictions order or an interim bankruptcy restrictions order or a debt relief restrictions order or an interim debt relief restrictions order; or
d) Has within five years before the day of co-option, or since his/her co-option, 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
e) Is otherwise disqualified under Part III of the Representation of the People Act 1983 (relating to corrupt or illegal electoral practices and offences relating to donations) or the Audit Commission Act 1998.

Use of Personal Information

The Town Council will use the information provided on this form to assess your eligibility to be a Town Councillor.

Declaration and consent

I, _____, hereby confirm that I am eligible for the vacancy of Eastleigh Town Councillor and I am not disqualified from being a town councillor under s80 of the Local Government Act 1972 and that the information given on this form is true and correct.

I have read the section entitled "Use of Personal Information" and by signing this form I consent to the use and disclosure of my information included in this form.
Signed: _____ **Name:** _____ **Date:** _____