



Haslemere Town Council

Process for town councillor co-option

1. INTRODUCTION

Councils are permitted to exercise their power to co-opt a person on to the Council to fill a casual vacancy when the requirements to hold an election have not been met. Whenever the need for co-option arises Haslemere Town Council will advertise the vacancy for the ward in question, and encourage expressions of interest from anyone who is eligible to stand as a Town Councillor.

2. PROCESS

The vacancy will be advertised on the Council's social media, website and noticeboards.

The Clerk will send a co-option application form to everyone who requests one.

All received applications will be shared with Councillors for information, but treated by the Clerk and Councillors as confidential.

Council reserves the right to shortlist applications should a significant number be received.

An Extraordinary Meeting of Council will be called at which the only item of business shall be the co-option of a Town Councillor. This will be a meeting held in public and it therefore follows that the candidates, as members of the public, will be entitled to be present during the proceedings.

At the meeting designated for a decision:

- i. The candidates will be asked to make a short statement as to their suitability for the post.
- ii. Councillors may then ask questions of the person nominated.
- iii. The Chairman of the meeting will call for a vote, the successful candidate will be the one elected by a majority vote of those councillors present and voting.
- iv. The Clerk will notify Electoral Services of the new Councillor appointment, initiate acceptance of office paperwork and registration of interests and to amend the Town Council website and records accordingly and arrange an introduction and if appropriate / available, training.

Qualifications for being a Town Councillor:

Section 79 (1) of the Local Government Act 1972 (the 1972 Act) provides, unless disqualified (see below) a person is qualified to be elected and to be a Councillor if he is a qualifying Commonwealth citizen or an EU citizen and on the day on which they are co-opted they are 18 years of age or over and:

- a) On that day they are and thereafter they continue to be a local government elector for the area of the authority; or
- b) They have during the whole of the 12 months preceding that day occupied as owner or tenant any land or premises in that area; or
- c) Their principal or only place of work during that 12 months has been in that area; or d) They have during the whole of those 12 months resided in that area; or
- d) In the case of a member of a parish or community council they have during the whole of those 12 months resided either in the parish or community or within three miles of it.

A person is a qualified Commonwealth citizen if they are a Commonwealth citizen who either-

- is not a person who requires leave under the Immigration Act 1971(the 1971 Act) to enter and remain in the United Kingdom, or
- is such a person but for the time being has (or is, by virtue of any enactment, to be treated as having) indefinite leave to remain within the meaning of the 1971 Act.

A person is not a qualifying Commonwealth citizen if they do not require leave to enter or remain in the United Kingdom by virtue only of section 9 of the 1971 Act (exceptions to requirement for leave in special cases)

With reference to c) above, a person is qualified for re-election under paragraph c) if they are already a Councillor.

Disqualifications for holding office as a Councillor.

In accordance with section 80 of the 1972 Act, a person is disqualified from being elected (co-opted) or being a Councillor if they:

- a) hold any paid office or employment (other than the office of Chair, Vice Chair or Deputy Chair) to which they have been appointed by the council or any committee or sub committee of the council, or by a paid officer of the council, or by any joint committee on which the council is represented; or
- b) is the subject of a bankruptcy restrictions order, an interim bankruptcy restrictions order, a debt relief restrictions order or an interim debt relief restrictions order under schedule 4ZB of the Insolvency Act 1986; or
- c) has within five years before the day of election or since their election been convicted of any offence and sentenced to a term of imprisonment of at least three months (whether suspended or not) without the option of a fine; or
- d) has been found guilty of corrupt or illegal practices, or was responsible for incurring unlawful expenditure and the court orders their disqualification.

In relation to a) above, when dealing with an office of profit, it is irrelevant that no profit was actually received.