

# BINGLEY TOWN COUNCIL



Bingley Town Council, Myrtle Place, Bingley, BD16 2LF

## Procedure for the Co-option of Candidates

**Date of review: 4<sup>th</sup> October 2022**

**Next review date: September 2025**

Bradford Council is responsible for managing the procedure for filling vacancies prior to the co-option stage. This procedure is used when there has been no response to the call for election.

1. The vacancy will be advertised; councillors may encourage people known to them to apply.
2. Candidates must submit a written application which must include a biography, reasons why they wish to become a town councillor and what they can offer to the council. They must also confirm that they meet all of the eligibility tests, namely age, residence, criminal record and bankruptcy that apply to prospective town councillors [See Appendix 1].
3. Candidates will be invited to attend one Town Council meeting before the meeting at which the co-option will take place.
4. The co-option meeting will normally be convened by the Chair of Council as an Extraordinary Meeting of the Council; this meeting will be open to the general public with the exception of Council's deliberations. Candidates other than the one under consideration will remain outside the room during the presentation and interview.
5. Each candidate will be invited in alphabetical order to address the Council for a period not exceeding 10 minutes. A candidate may waive the right to speak.
6. The Council may then ask questions of the candidate.
7. When all the candidates have been seen the Chair will ask the last candidate and members of the public to leave the room.
8. When the Council have concluded their deliberations, the Chair will invite all candidates and members of the public back into the room.
9. The Chair will ask councillors for proposers and seconders.
10. Voting will take place by a show of hands. The successful candidate needs to achieve an absolute majority of the votes from councillors present. Only councillors present have a vote.
11. If there is no absolute majority the candidate receiving the lowest number of votes will be eliminated and the vote is taken again. This procedure will be repeated until there are two candidates.
12. In the event of an equal number of votes being cast for the two remaining candidates the Chair will exercise their casting vote.
13. The successful candidate will sign the Declaration of Acceptance of Office.

14. In the event that the Council has equal number (or less) of eligible candidates as vacant seats, the Council will adhere to The Local Elections (Parish and Communities) (England and Wales) Rules 2006 SI 2206/3005, Rule 5, which states:

(5) Subject to paragraph (6) below, where a casual vacancy in any such office is not required to be filled by election, the parish or community council must, as soon as practicable after the expiry of the period of 14 days referred to in paragraph (2)(c), co-opt a person to fill the vacancy.

(6) In the case of a casual vacancy occurring in the office of a parish or community councillor within six months before the day on which that councillor would regularly have retired, paragraph (5) shall have effect with the substitution of the word "may" for "must"; and any vacancy not so filled must be filled at the next ordinary election.

Therefore, assuming that it is not within six months of the next local elections, where the Council has equal number (or less) of eligible candidates than it has vacant seats, it must fill the vacancy by co-option 'as soon practicable'; the relevant agenda item should read – 'To approve the co-option of eligible candidates to vacant seats on Bingley Town Council', and at the point in the meeting where this agenda item is considered, the Chairman should explain that as there are equal number of eligible candidates as vacant seats, those candidates are co-opted as members of Bingley Town Council.

## **Appendix 1**

### **Qualifications for standing for election**

To be able to stand as a candidate at a parish council election in England or a community council election in Wales you must:

- be at least 18 years old
- be a British citizen or an eligible Commonwealth citizen, and
- meet at least one of the following four qualifications:
  - a. You are, and will continue to be, registered as a local government elector for the parish/community in which you wish to stand from the day of your nomination onwards.
  - b. You have occupied as owner or tenant any land or other premises in the parish/community area during the whole of the 12 months before the day of your nomination and the day of election.
  - c. 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/community area.

d. You have lived in the parish/community 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**

Apart from meeting the qualifications for standing for election, you must also not be disqualified. An eligible Commonwealth citizen is a Commonwealth citizen who either:

- does not need leave to enter or remain in the United Kingdom, or
- has indefinite leave to remain in the United Kingdom Parish and community council elections

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 polling day:

a. You are employed by the parish/community council or hold a paid office under the parish/community council (including joint boards or committees).

b. You are the subject of a bankruptcy restrictions order or interim order.

c. 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.

d. You have been disqualified under the Representation of the People Act 1983 (which covers corrupt or illegal electoral practices and offences relating to donations). The disqualification for an illegal practice begins from the date the person has been reported guilty by an election court or convicted and lasts for three years. The disqualification for a corrupt practice begins from the date a person has been reported guilty by an election court or convicted and lasts for five years.

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 the Adjudication Panel.