



AGENDA FOR THE MEETING OF COUNCIL MATTERS COMMITTEE MONDAY 10TH NOVEMBER 2025 AT 6.30PM IN THE GUILDHALL

There are stairs to the Council Chamber but if any member of the public has mobility issues the Council can relocate to the lower Guildhall.

You are hereby SUMMONED to attend the **Council Matters Committee** on **Monday 10th November 2025 at 6.30pm** in the Guildhall for the purpose of transacting the following business:

Committee Members: Councillors L Auletta, C Beavis, T Bennett, J Chinnock, J Hannam, D Peters, E Price and M Trant.

1. WELCOME AND APOLOGIES FOR ABSENCE

The Chair will read out the following statement:

Welcome to everyone attending and observing the meeting.

A reminder that open proceedings of this meeting will be video recorded. If members of the public make presentations, they will be deemed to have consented to being recorded. By entering the Council Chamber attendees are also consenting to being recorded.

This meeting is limited to 90 minutes and therefore members are asked to raise their points succinctly and not repeat the same view expressed by colleagues if it does not add to the debate.

To receive apologies and to confirm that any absence has the approval of the Council.

The Committee will adjourn for the following items:

PUBLIC QUESTION TIME

A period of 15 minutes will be allowed for members of the public to ask questions or make comment regarding the work of the Committee or other items that affect Totnes.

The Committee will convene to consider the following items:

2. CONFIRMATION OF MINUTES

To approve the minutes of 13th October 2025 and update on any matters arising. Document attached [page3].

3. BUDGET MONITOR

To consider the Budget Monitor. Documents attached [see separate document].

4. STRATEGY DELIVERY WORKING GROUPS

To consider any budgetary recommendation from:

- a. Economy Working Group, 8th October 2025. Document attached [page 5].
- b. Community Working Group 14th October 2025. Document attached [page 6].

5. DRAFT BUDGET 2026/27

To consider an initial draft Community Development budget for financial year 2026/27. Document attached [page 7] .

6. COUNCILLOR CO-OPTION POLICY

To review the Councillor Co-option Policy. Document attached [page 10].

7. DATE OF NEXT MEETING

To note the date of the next meeting of the Council Matters Committee – Monday 8th December 2025 at 6.30pm in the Guildhall. No document.

*The Committee will be asked to **RESOLVE** to exclude the press and public “by reason of the confidential nature of the business” to be discussed and in accordance with the Public Bodies (Admission to Meetings) Act 1960. (CONFIDENTIAL by virtue of relating to legal and/or commercial matters, staffing and/or the financial or business affairs of a person or persons other than the Council)*

8. BANK STATEMENTS AND RECONCILIATIONS (Standing Item)

To consider the bank statements and reconciliations for October (financial). Documents attached.

9. TOWN-WIDE CCTV

To consider an extension of the Council’s existing CCTV provision beyond civic buildings into limited public-space areas within the town centre for crime prevention and public reassurance (legal and financial). Document attached.

10. STAFFING UPDATE

For any general or urgent updates that required confidential sharing with Councillors (staffing). Verbal update.

Catherine Marlton
Town Clerk
5th November 2025

USE OF SOUND RECORDINGS AT COUNCIL & COMMITTEE MEETINGS

The open proceedings of this Meeting will be audio and video recorded. If members of the public make a representation, they will be deemed to have consented to being recorded. By entering the Council Chamber or Zoom meeting, attendees are also consenting to being recorded.

Televised, vision and sound recordings or live broadcastings by members of the press or public at Council or Committee debates are permitted and anyone wishing to do so is asked to inform the Chairman of the respective Committee of their intention to record proceedings.

ITEM 2 – CONFIRMATION OF MINUTES



DRAFT MINUTES FOR THE MEETING OF COUNCIL MATTERS MONDAY 13TH OCTOBER 2025 AT 6.30PM IN THE GUILDHALL

Present: Councillors D Peters (Chair), L Auletta, C Beavis, T Bennett, J Chinnock, J Hannam and M Trant.

Apologies: Cllr E Price.

In Attendance: C Marlton (Town Clerk).

1. APOLOGIES FOR ABSENCE

The Chair read a statement about how the meeting would be conducted and recorded. The apologies were accepted.

The Committee adjourned for the following items:

PUBLIC QUESTION TIME

There were no members of the public present.

The Committee convened to consider the following items:

2. CONFIRMATION OF MINUTES

To approve the minutes of 8th September 2025 and update on any matters arising.

The minutes were **AGREED** unanimously as an accurate record of the proceedings.

3. BUDGET MONITOR

To consider the Budget Monitor.

The budget monitor was **AGREED** unanimously. It was **AGREED** to allocate £200 from the Visit Totnes line to sponsor the Skate Jam in return for recognition in associated publicity.

4. STRATEGY DELIVERY WORKING GROUPS

To consider any budgetary recommendations from the Economy Working Group, 8th October 2025.

It was **AGREED** that the Clerk will liaise with the Economic Support Officer to clarify the budgetary proposals of the Economy Working Group.

5. MAYOR'S ENGAGEMENT AND BUDGET

To consider the Mayor's engagements since July 2025 and the current budget.

The Mayor's engagements and budget was **AGREED** unanimously.

6. CAPABILITY POLICY AND PROCEDURES

To review the Capability Policy and Procedures.

The revised Capability Policy and Procedures was **AGREED** unanimously.

7. WHISTLEBLOWING POLICY

To review the Whistleblowing Policy.

Subject to a minor amendment to widen the scope to include reference to elected members, to **RECOMMEND** to Full Council that the revised Whistleblowing Policy is adopted.

8. DATE OF NEXT MEETING

To note the date of the next meeting of the Council Matters Committee – Monday 10th November 2025 at 6.30pm in the Guildhall.

Noted.

*The Committee will be asked to **RESOLVE** to exclude the press and public “by reason of the confidential nature of the business” to be discussed and in accordance with the Public Bodies (Admission to Meetings) Act 1960. (CONFIDENTIAL by virtue of relating to legal and/or commercial matters, staffing and/or the financial or business affairs of a person or persons other than the Council)*

9. BANK STATEMENTS AND RECONCILIATIONS (Standing Item)

To consider the bank statements and reconciliations for September (financial).

These were reviewed and **AGREED** unanimously.

10. LEISURE FACILITIES

To consider an informal update on local leisure facilities.

The Clerk gave an informal overview of the position. The Committee discussed the need for improved community facilities including a building for youth provision.

11. STAFF ATTENDANCE

To note sickness and overtime balances (staffing).

Noted.

12. STAFFING UPDATE

For any general or urgent updates that required confidential sharing with Councillors (staffing).

Noted. The Clerk updated on an introduction of six-month reviews of performance targets for officers and that the new part-time Marketing and Communications Officer has started.

The meeting closed at 7.20pm

Catherine Marlton
Town Clerk
October 2025

ITEM 4 – STRATEGY DELIVERY WORKING GROUPS

4a. Economy Working Group, 8th October 2025

2 - To **RECOMMEND** to the Council Matters Committee the reallocation of funds in the FY 2025/26 budget:

Economy	Budget	Spent	Expected	Notes
Totnes & Dartmouth poster design	0	400	400	
Buffet food for CEP event	0	130	130	
Access to Data Hub	0	500	500	
Marketing and Communications Service Review/Audit	0	9500	9500	
Community Economic Plan match funding	20000	0	20000	No set plans yet. Surplus to be moved to new EMR - Community Economic Plan
Xmas window display competition	1000	0	1000	Expected to be fully spent
Business Forum/events	5000	0	5000	No set plans yet, surplus to new EMR - Community Economic Plan
Transport Feasibility Phase 2	10000	0	10000	Ongoing - move to new EMR Transport Feasibility if project delayed
Active Travel	12000	0	12000	No current plans - move to new EMR Active Travel project
Town Centre enhancements and Safety Sinking Fund	20000	0	20000	Move to EMR Town Improvement Fund
Local/members discount Scheme	2000	0	0	No current plans
TOTAL	70000	10530	78530	

3 – To **RECOMMEND** to the Council Matters Committee the draft Budget for 2026/27:

Community Development 2026/27 PROPOSED	
Economy	
Xmas window display competition	1000
Event Sponsorship	2500
Business Forum/Economic Work	2500
Town Centre enhancements and Safety Sinking Fund	20000
Neighbourhood Plan/JLP review	10000
TOTAL	36000

1. To review the Community budget expenditure and future allocations

Community – current year budget	Budget	Spent	Expected	Notes
Credit brought forward from previous year	0	-1003	-1003	Plains lights repair
Community Audit	0	5000	6000	Community Audit agreed last year. Possible small overspend in this area was supported.
SHDC events fee	0	83	83	
Newsletter, publicity, Annual meeting	3000	250	1500	Underspend expected
Defibrillator Pads and batteries	500	0	500	
New Town Lighting	5000	0	5000	Postponed to 2026. Move to Christmas lights EMR
Caring Town/Community Facilitation	9000	9000	9000	
Bunting	2500	0	2500	Ongoing
TOTAL	20000	13330	23580	

Community PROPOSED 2026/27	
Newsletter, publicity, Annual meeting	2500
Defibrillator Pads and batteries	500
New Town Lighting	10000
Bunting	3000
Community Grants	5000
TOTAL	21000

Extension and development of Christmas Lights Offer

Small fund for seed funding local groups and projects

It was **RECOMMENDED** to Council Matters that:

1. £5,000 unspent from the 2025/26 financial year be added to the Christmas Lights Ear Marked Reserves at the financial year end.
2. That the Clerk be granted delegate authority to authorise allocation of the £1467 remaining of the Second Homes Premium (£10500 awarded to TRAYE), in conjunction with agreement from the Community Working Group.
3. The 2026/27 budget allocation of £21,000 as outlined above. The policy and procedure for the allocation of the £5,000 community grants would be decided upon completion of the Community Audit but the feeling was this should be small amount, seed funding, over the course of the year.
4. The 2026/27 budget should also include a larger figure of £50,000 for community support. Again the policy and procedure and/or the agreed breakdown of this spend should be decided upon completion of the Community Audit.

ITEM 5 – DRAFT 2026/27 COMMUNITY BUDGET

Please note that a full proposed budget and accompanying report will be sent to December Council Matters, before being considered by Full Council in January 2026. Given that most of the budget is statutory, most of the initial debate and discussion needs to be around the Community Development section of the budget as outlined in this paper, and consideration of the use of Ear Marked Reserves (EMR).

By December we will have a more accurate picture on the expected year end figures for the current 2025/26, and the impact on reserves, and a view from the Environment and Public Realm Working Group on their budget priorities. We will also have the initial findings of the Communications and Marketing Audit.

All members are invited to attend an informal briefing prior to the December Council Matters on Monday 8th December at 5.00pm.

All members are encouraged to arrange a meeting with Clerk and/or Finance Manager to discuss the budget proposals before the December Council Matters meeting.

Community Development Budget 2026/27 – proposals

Community:

The Community Working Group met on 14th October and **RECOMMENDED** to Council Matters:

1. £5,000 unspent from the 2025/26 financial year be added to the Christmas Lights Ear Marked Reserves at the financial year end.
2. That the Clerk be granted delegate authority to authorise allocation of the £1467 remaining of the Second Homes Premium (£10500 awarded to TRAYE), in conjunction with agreement from the Community Working Group.

Community PROPOSED 2026/27	
Newsletter, publicity, Annual meeting	2500
Defibrillator Pads and batteries	500
New Town Lighting	10000
Bunting	3000
Community Grants	5000
TOTAL	21000

3. The 2026/27 budget allocation of £21,000 as outlined above. The policy and procedure for the allocation of the £5,000 community grants would be decided upon completion of the Community Audit but the feeling was this should be small amount, seed funding, over the course of the year for youth projects, food and fuel poverty, sports equipment, community events etc.
4. The 2026/27 budget should also include a larger figure of £50,000 for community support. Again the policy and procedure and/or the agreed breakdown of this spend should be decided upon completion of the Community Audit.

Economy:

The Economy Working Group met on 8th October.

They **AGREED** the current year budget allocations, with a **RECOMMENDATION** to Council Matters to reallocate the Local Members discount allocation of £2,000 to 'Support economic enhancement events' such as Totnes Fringe, improvements to the Narrows etc.

They agreed that underspend from current year budget lines should be allocated to EMR as follows (estimated figures as we are mid year):

- £20,000 Community Economic Plan match funding to a new EMR – Community Economic Plan
- £5,000 Business Forum/events to a new EMR – Community Economic Plan
- £10,000 Transport Feasibility to a new EMR Transport Feasibility
- £12,000 Active Travel to a new EMR Active Travel Projects
- £20,000 Town Centre Enhancements to the existing Town Improvement Fund EMR

They **RECOMMENDED** the proposed budgets for 2026/27 as below:

Economy PROPOSED 2026/27	
Xmas window display competition	1000
Event Sponsorship	2500
Business Forum/Economic Work	2500
Town Centre enhancements and Safety Sinking Fund	20000
Neighbourhood Plan/JLP review	10000
TOTAL	36000

Environment and Public Realm:

The Environment and Public Realm Working Group are meeting on Wednesday 19th November to consider proposed budgets for 2026/27. The current draft proposal is outlined below:

Environment/Public Realm PROPOSED 2026/27	
Totnes Gardens	3500
Public Art / Graffiti management	10000
Town Centre Improvements	20000
Heritage Forum / Directory / Grants	2500
TOTAL	36000

The Working Group will also be asked to consider the current year budget and possible moving of funds to EMR:

- £15,000 Public Realm and Street Cleanliness moved to new EMR – Town Improvement Fund
- £5,000 Town Park/Vire Island moved to new EMR – Town Improvement Fund
- £7,500 Climate Change projects moved to new EMR – Climate Change Projects

Overall Community Development Proposals for 2026/27:

Community	£21,000
Economy	£36,000
Environment and Public Realm	£36,000
Community Grants	£50,000
Christmas Markets	£16,500
Christmas Tree and Light Install	£15,000
Christmas Light Switch On	£3,000
TOTAL	£177,500

Earmarked Reserves (ESTIMATED 2026/27):

NEW – Active Travel	£12,000	From Economy
NEW – Climate Change Projects	£7,500	From previous year Climate projects Env/Pub Realm
NEW – Town Improvement Fund	£40,000	From Env/Pub Realm and Economy
NEW – Community Economic Plan	£20,000	From Economy
NEW – Transport Feasibility	£10,000	From Economy
Green Travel	£5,993	Existing EMR. Ringfenced S106 monies
Van replacement	£20,000	Existing EMR
Council/Visit Totnes Websites	£8,000	Existing EMR
Christmas Lights	£35,000	Existing EMR. £5K added from Community.
Civic Funeral	£1,000	Existing EMR
Emergency Capital Repairs	£100,000	Existing EMR
Community Facilities	£15,000	Need to consider if this is enough
Devolution and Transfer of Assets	£50,000	Need to consider if this is enough
TOTAL	£324,493	

Other points to consider:

With the timeline of LGR and also the uncertainty of higher tier authorities, members may wish to consider increasing EMR accordingly or consider whether the General Reserve levels are adequate to respond to emergency items or cuts to services.

We are waiting on a detailed costed survey for museum works and will need to consider similar for the Guildhall Cottage – which is why the wider budget is not ready for presentation.

The Marketing and Communications Audit could have resource implications for consideration.



Councillor Co-option Policy

TOTNES TOWN COUNCIL

AGREED DECEMBER 2023

NEXT REVIEW NOVEMBER 2025

This policy outlines the process for the co-option of a Town Councillor when a casual vacancy has arisen on the Council and no poll (by-election) has been called.

[Officer note: the suggested changes (new text in red and deleted struck through) take out unnecessary or confusing text and reflect updates on the eligibility from the Electoral Commission website (annex C).]

1. Introduction

1.1 The co-option of a Town Councillor occurs when a casual vacancy has arisen on the Council (through resignation or death) and no poll (by-election) has been called by the electorate. There are two different situations when a vacancy arises leading to a co-option: a casual vacancy which can arise under a number of circumstances; and unfilled seats following ordinary elections. See Annex A published by DALC for details.

1.2 It is important that all applicants are treated equally so that the selection process is seen as open, fair and transparent. This policy sets out the process to be followed by Totnes Town Council when co-option is under consideration.

1.3 To ensure that a fair and transparent process is undertaken the procedure set out below will be followed.

2. Casual Vacancy

2.1 On receipt of written confirmation from the Electoral Services Office at South Hams District Council (SHDC) that the requisite 10 electors of the Parish have not called for a poll (by-election) within the legally specified time period (currently 14 days) following the publication of the Notice of Vacancy, the Town Clerk is notified by SHDC that the vacancy(ies) may be filled by co-option. The Town Council may then decide if they wish to proceed to co-opt within 28 days or wait for a period of up to 6 months before proceeding. If the casual vacancy can be filled by means of co-option, the Town Clerk will:

- a. advertise the vacancy for 3 weeks on the Council notice boards, ~~and~~ website **and social media channels**, and if considered necessary place an advert in the local press.
- b. advise the Council that the Co-option Policy has been instigated, by sending an email to all Councillors.

2.2 Applicants for co-option will be asked to:

- a. submit information about themselves, by way of completing a short application form (see Annex B).
- b. confirm their eligibility for the position of Councillor within the statutory rules, by completing an Eligibility Form (see Annex C).

2.3 Copies of the applicant's application form will be circulated to all Councillors by the Clerk prior to the meeting of the Full Council when the co-option will be considered. The applications forms will be included in the ~~Part 1~~ papers which are made available to the public (with all personal details redacted).

2.4 Following the Full Council decision the newly appointed Councillor(s) will be contacted by the Clerk who will arrange for an induction appointment where Declaration of Acceptance of Office and Register of Interest forms will be completed.

2.5 Canvassing councillors or the members of a committee, directly or indirectly, for appointment to or by the Council shall disqualify the candidate from appointment.

3. Unfilled Seats following an Ordinary Election

3.1 Under the Representation of the People Act 1985 Section 21 allows the elected members, provided there is a quorum (one third of the whole number of members with a minimum of three) to co-opt members to fill the remaining vacancies. This must happen within 35 working days of the date of the ordinary elections - the Council will (or have commenced the process) to fill the vacancy(ies) by way of co-option. The process to follow is as set out from 2.1 above.

4. Co-option Process

4.1 Applicants will be permitted to attend the meeting of the Council as members of the public when the co-option is being considered.

4.2 Discussion about the applications will take place in Council session without intervention from the candidates or public. However, if it is necessary for the Council to discuss the merits of candidates and inevitably their personal attributes, this could be considered prejudicial, and if so, the Council could resolve to exclude the members of the press and public.

5. Councillors Conflict of Interest

5.1 Declarations of Interest must be made by Town Councillors as each candidate is considered, (for example family ties, friendships, business relationships, etc). This does not prevent Councillors from voting, but a Councillor may exempt themselves from the process if there is considered a serious conflict of interest.

5.2 Where a Councillor feels they have a serious conflict of interest, they must declare this interest and request to be exempt from the co-option process. The Councillor will be invited to leave the room at the commencement of the co-option process, and re-join the meeting once all voting has been completed and decisions made.

6. Voting

6.1 Voting must take place in a public meeting and only Councillors present at the meeting may vote. Voting will take the form of a show of hands, with the Clerk to the meeting recording each candidates votes for, against and any abstentions.

6.2 Voting will be according to the statutory requirements, in that, each successful candidate must have received an absolute majority vote of those present and voting (50% + 1 of the votes available at the meeting).

6.3 If there are fewer candidates than vacancies, each candidate must receive an absolute majority vote of those members present at the meeting to be co-opted (therefore, no majority = no co-option). There is no "co-opted uncontested" provision within the law.

6.4 Where there is the same number of candidates as vacancies, each candidate must still receive an absolute majority vote of those members present at the meeting (therefore, no majority = no co-option).

6.5 If there are more candidates (with a majority vote) than vacancies, then the voting process will take place again to determine the successful candidate(s).

6.6 If there are exactly as many as, or fewer candidates than vacancies, the Town Council may vote on a composite motion, duly proposed and seconded, that all candidates be co-opted.

6.7 The vote will take place as per Standing Orders section 10 'Voting on Appointments':

a. Where two or more persons have been nominated for a position by the Council and none of those persons has an absolute majority of votes in their favour, the person having the least number of votes shall be struck off the list and a fresh vote taken.

b. This process shall continue until a majority of votes is given in favour of one person. Any tie may be settled by the Chair's casting vote.

6.8 If at the end of voting, there is a vacancy where no candidate has received a majority vote, then the vacancy may remain unfilled. The Council will then reconsider at the next suitable Council Meeting what steps they wish to take to continue with the co-option process.

6.9 After the vote has been concluded, the Chair will declare the successful candidate(s) duly appointed.

7. Declaration of Acceptance of Office

7.1 Those co-opted must sign a declaration of acceptance of office before they can join any meeting of the Council as a member.

8. Term of Office

8.1 A person co-opted to fill a casual vacancy holds office until the person resigns or at the next ordinary elections.

8.2 A co-opted Councillor is not eligible to claim the Councillor allowance. This is national law, not a local rule.

9. Notification of Co-option

9.1 The Clerk will notify the Democratic and Electoral Services Team at South Hams District Council of the new member(s) appointment. The new member(s) must complete a Register of Interest within 28 days of being co-opted and prior to taking part in any Council meetings in their Councillor role. These will be sent to the Democratic and Electoral Services Team at South Hams District Council.

ANNEX A – CO-OPTION (TAKEN FROM THE DEVON ASSOCIATION OF LOCAL COUNCILS (DALC) WEBSITE)

Co-option provides a way for councils to fill those post-election vacancies that might arise on their council following an election, or the casual vacancies that arise after a councillor loses their seat.

What is co-option?

Co-option is a process by which a vacant seat on a parish or town council is filled by appointment rather than an election. It is often necessary to ensure a council is fully constituted and able to carry out its duties.

Vacancies can arise for various reasons such as insufficient candidates at an election, resignations and disqualifications. Vacancies which occur due to a councillor's departure mid-term are called casual vacancies.

Co-option due to insufficient candidates at election

If following an election the council has less members than seats available, but remains quorate*, co-options may be required to fill the vacant seats.

**A council's quorum is the minimum number of seats a council must have filled in order to carry out its business. This is three, or a third of the total number of seats, whichever is greater (the figure is rounded up where applicable).*

Is your council inquorate? If your council is inquorate then you cannot co-opt and we would suggest you contact DALC for guidance.

What is the difference between a post election vacancy and a casual vacancy?

	Post-election vacancy	Casual vacancy
What is it?	Vacancies immediately following an election due to an insufficient number of candidates nominated.	Vacancies following the departure of a councillor mid-term due to resignation or other reasons, as stated in the Local Government Act 1972 s87.
Do we need to post a notice of the vacancy?	No, the council does not need to post a notice of the vacancy. However we'd still recommend advertising to attract potential candidates (more below).	Councils must contact the district council in the event of a casual vacancy. The council must give notice of the vacancy, displayed in a prominent place in the parish for at least 14 days (excluding bank holidays etc), allowing electors to request a by-election*. If no by-election is requested, the district council will confirm the council may co-opt, at which point you may want to advertise for potential candidates. <i>*by-elections will not be called when a vacancy occurs within six months of an ordinary election.</i>
When do we need to fill the seats?	The council has 35 working days to co-opt from the date of the election. If they do not fill the vacancies within the timeframe, the district council <u>may</u> take action to fill the seats.	There is no statutory deadline, but councils are encouraged to fill its seats as soon as practically possible; the community deserves full representation.

What process should we follow?	If you have an established co-option process, whether that's a written procedure or just precedent, we would advise councils to follow a consistent process for both vacancy types.
Who is eligible to stand?	Anyone wishing to join the council via co-option must be eligible under s.79 of the Local Government Act 1972 and not disqualified under s.80 of the Local Government Act 1972 . These resources from the Electoral Commission may be helpful.

Frequently Asked Questions for Casual Vacancies

When can we co-opt?

With casual vacancies; when a councillor resigns or loses their seat (Local Government Act 1972 s.80) during the term of office, you will need to inform the district council. They will give you a notice of vacancy, which lets members of the public know that a vacancy has arisen and gives them the opportunity to request a by-election. If a by-election is requested by 10 or more electors, then the district council will proceed. Otherwise, they will let you know that you are now free to co-opt and you can start your co-option process.

If the casual vacancy has arisen within 6 months prior to an ordinary election (next elections will be in 2027!) then the council does not need to contact the district council and does not need to co-opt (although can still do so if they wish!).

Do we have to advertise vacancies?

We recommend advertising vacancies and encouraging people to come forward; this is different from the statutory notices for casual vacancies where by-elections may be called. Advertising widely through a variety of mediums, increases the chance of the council having a choice of candidates and allows the council to be sure it has got the best representatives for the community.

When can we advertise?

With casual vacancies, you can start advertising when the district council has told you that you can go ahead and co-opt since no by-election has been requested.

What is the co-option process?

There is no statutory procedure for how councils undertake their co-options. It is advisable to have an agreed procedure to ensure fairness, transparency and consistency. NALC would suggest that you get candidates to confirm their eligibility in writing; you may need to investigate or obtain evidence if that is challenged.

There are a range of ways that councils can find out more about proposed candidates including:

- Application form – asking candidates to complete an application form, perhaps giving more information about themselves
- Interviews – either with the full council or with a committee of the council (only the full council can make the decision to co-opt)
- Written statement – ask candidates to submit a written statement explaining what they would bring to the council

- In-person statement – ask candidates to address a meeting of the council explaining what they would bring to the council

Whatever you choose, the process must be open to all eligible candidates. Consistency will be key and ensures that all candidates are treated fairly.

Who makes the decision about co-option?

Only the full council can make the decision about who to co-opt; it cannot be delegated to either a committee or to an officer of the council. If the council is inquorate then it will not be able to co-opt and will need to contact the district council for support.

How do we vote on co-options?

Voting, as with all council decisions, is by show of hands unless the council has provided otherwise in their standing orders. Secret ballots may only be used if standing orders allow for them.

It is difficult to justify the need to exclude the press and the public (including the candidates) while a council makes its decision on who to co-opt; choosing a public representative is expected to be a public and transparent affair. Therefore co-options should not be considered in confidential session.

If we only have one candidate for a vacancy, do we have to accept them?

It is NALC's view that where there is the same number, or less, of candidates than there are vacancies, then they shall be co-opted on to the council. If the council is concerned about lack of choice, then advertising a vacancy widely within the community may be helpful.

We have more candidates than vacancies, how do we choose?

By referring to the information from the candidates application forms, interviews and/or presentations, the council can determine which individual(s) will be best suited for the council in a consistent and fair manner.

When voting there must be a clear majority for a candidate(s) in order to co-opt. Where there are three or more candidates for one seat and a vote is tied, the candidate with the fewest votes shall be removed from consideration and the vote repeated until a majority can be achieved.

The Council doesn't like an applicant, can we reject them?

It is NALC's view that if an eligible person has come forward for a vacancy, then they shall be co-opted to the council. If they had nominated themselves in an uncontested election they would have had gained the seat, so it's difficult for the council to refuse an eligible candidate and will likely be subject to challenge if they do so.

What if we cannot find any candidates?

With post-election vacancies, if the power of co-option is not used within 35 working days of the election then the principal authority (the district council) has powers to step in to fill the vacancies. This might include holding a further election (at cost to the council) or may involve other acts such as appointing temporary councillors, or requiring that you post a notice of vacancy to allow a by-election to be requested. Your district council will be able to advise at the time.

With casual vacancies, we'd recommend trying again until you are able to fill those seats. Perhaps try a new approach; more advertising or reaching out directly to people who might be interested.

What happens after a co-option?

Just like elected councillors, co-opted councillors must sign a declaration of acceptance of office at or before their first meeting, and must submit their register of interests within 28 days of their co-option. It is advisable that co-opted councillors do not take office until the end of the meeting at which they are appointed.

The clerk should notify the returning officer at the district council that a co-option has taken place as soon as practically possible after the meeting at which they are appointed.

All co-opted councillors should be given the same opportunities in regards to induction and training, as elected councillors.

Are co-opted councillors different to elected councillors?

No; a co-opted councillor will participate in council business in the same way as elected councillors. There are no restrictions to the roles they may perform i.e. membership of committees, election of chairman/mayor etc.

However, co-opted councillors will not count as an 'elected' councillor for the purposes of the General Power of Competence (although councillors appointed at uncontested election will).

For those councils which provide an allowance to their members, **not** including the Chair's Allowance, please be aware that co-opted members are not eligible to receive the allowance.

ANNEX B – CO-OPTED COUNCILLOR APPLICATION FORM

Full Name:	
Address:	
Telephone Number (s):	
Email Address:	

Please briefly explain why you are interested in becoming a Town Councillor.

Please tell us something about what experience you can bring to Totnes Town Council, for example professional or voluntary/charitable work/roles, previous local government experience, business experience.

Please tell us something about skills you can bring to the Council, for example professional qualifications, financial or project management expertise.

Is there any other information you would like to add in support of your application?
Are there any questions you would like to ask the Town Council?

Signed:

Print:

Date:

ANNEX C – ELIGIBILITY FORM

Are you a British citizen subject, an eligible Commonwealth citizen, a citizen of the Republic of Ireland, a qualifying EU citizen or an EU citizen with retained rights citizen of the Commonwealth or citizen of the European Union?	YES/NO
On the 'relevant date' (i.e. the day on which you are nominated or if there is a poll the day of the election) are you 18 years of age or over?	YES/NO

Please tick those below which apply to you (nb Totnes includes Town and Bridgetown wards)

I am registered as a local government elector in Totnes; 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 Totnes; or	
My principal or only place of work has, during the whole twelve months preceding my co-option, been in Totnes; or	
I have during the whole of twelve months preceding my co-option lived in Totnes or within 3 miles of it.	

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 specific criteria are not met:

Are you an employee of Totnes Town Council?	YES/NO
Are you the subject of a bankruptcy restrictions order or interim order?	YES/NO
Have you within the last five years been convicted of an offence in the UK, Channel Islands or Isle of Man which resulted in a sentence of imprisonment (whether suspended or not) for a period of three months or more without the option of a fine;	YES/NO
Are you disqualified by order of an election court from being a member of a local authority under the Representation of the People Act 1983?	YES/NO
Are subject to the notification requirement of or under Part 2 of the Sexual Offences Act 2003?	YES/NO

Declaration

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

Signed:

Print:

Date: