**SIDMOUTH TOWN COUNCIL**

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September 2023

Prospective Candidates for Co-option

Dear Prospective Candidate,

Please find attached with this letter, the forms needed to put yourself forward to apply to join the Council through the co-option process.

Application forms must be signed and received by the offices of the Council no later than 12 noon on Friday 13 October 2023. Candidates will be considered at a meeting of the full Council on 6 November and you will be invited to attend and speak for up to 5 minutes to support your application if you wish.

If you have any further questions do please contact me.

Yours faithfully,

**Christopher E Holland**

**Town Clerk**

**PLEASE NOTE: SIGNED APPLICATION FORMS MUST BE RECEIVED   
NO LATER THAN: 12 Noon on Friday 13 October 2023**

Sidmouth Town Council Co-option

Co-option paper

|  |  |  |  |
| --- | --- | --- | --- |
| \*Co-option of TOWN COUNCILLOR for the | | | |
| [ ] Ward | | (State which ward you are standing for or leave blank if you do not have a preference) | |
| of Sidmouth Town Council | | |  |
| Date of co-option: | Monday 6 November 2023 | | |

|  |  |  |
| --- | --- | --- |
| Candidate’s Details: To be completed by all candidates | | |
| Candidate’s surname |  | Mr/Mrs/Miss/ Ms/Dr/Other |
| Other forenames in full |  | |
| Nationality |  | |

|  |  |  |
| --- | --- | --- |
|  | Qualifying Details: To be completed by all candidates | |
| Home address (in full) |  | |
|  | Qualifying address: Add your qualifying address, or qualifying addresses (in full) to each of the relevant qualifications below (you can complete more than one qualification). | |
| Qualifications that apply (tick those which apply) | Address | |
| (a) I am registered as a local government elector for the area of the parish named above |  |  |
| (b) I have, during the whole of the preceding 12 months occupied as owner or tenant land or other premises in the parish named above |  |  |
| (c) my principal or only place of work during the preceding 12 months has been in the parish named above |  |  |
| (d) I have during the whole of the preceding 12 months resided in the parish named above or within 4.8 kilometres of it. |  |  |

Sidmouth Town Council Co-option

Candidate’s consent to nomination

\*Delete whichever is inappropriate

\*You must declare that you meet at least one of the listed qualification(s) below and may declare more than one qualification if applicable. **To do this, strike through any that do not apply.** Any qualification(s) that apply must match the information given on your home address form.

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Date of co-option: | | | | Monday 6 November 2023 | | |
| I (name in full): | | | |  | | |
| hereby consent to my nomination as a candidate for co-option as Councillor for Sidmouth Town Council. | | | | | | |
| I declare that on the day of my nomination, I am qualified to be co-opted by virtue of being on that day or those days a qualifying Commonwealth citizen, a citizen of the Republic of Ireland, an EU citizen who has been resident in the UK since before 31 December 2020, a citizen of Luxembourg, Poland, Portugal or Spain who has attained the age of 18 years and that | | | | | | |
| \*a. I am registered as a local government elector for the area of the parish of;  or | | | | | | |
| \*b. I have, during the whole of the 12 months preceding that day or those days occupied as owner or tenant land or other premises in the parish named above;  or | | | | | | |
| \*c. my principal or only place of work during those 12 months has been in the parish named above;  or | | | | | | |
| \*d. I have during the whole of those 12 months resided in that parish named above or within 4.8 kilometres of it.  or | | | | | | |
| I declare that to the best of my knowledge and belief I am not disqualified for being elected by reason of any disqualification set out in, or decision made under, sections 80 or 81A of the Local Government Act 1972 or section 34 of the Localism Act 2011 (copies of which are printed overleaf).  **Note 1:** A candidate who is qualified by more than one qualification may complete any of those which may apply.  **Note 2:** Disqualifications set out under s.81A of the Local Government Act 1972 only apply to a person who is subject to any relevant notification requirements, or a relevant order, made on or after 28 June 2022. | | | | | | |
| Date of birth: | | | | | Signature: | Date of consent |
|  |  |  | | |  |  |
| Witness: I confirm the above-mentioned candidate signed the declaration in my presence. | | | | | | |
| Witness (name in full): | | |  | | | |
| Witness’s signature: | | |  | | | |

|  |  |
| --- | --- |
|  | Further information to be completed by all candidates |
| (a) Have you ever been a parish, district or county councillor? If so, please provide brief details. |  |
| (b) Do you hold any public appointments – e.g. school governor, charity trustee etc.? |  |
| (c) Are you a member of any other body exercising functions of a public nature, for example, District or other Parish Council, Health, Police or Fire Authority, or Quasi Autonomous Non-Governmental Body? |  |
| (d) Are you a member of any Body whose principal purpose is to influence public opinion or policy or, which might create a conflict of interest in carrying out your duties as a Town Councillor? (For example, political parties, professional associations, local action forums and civic societies and interest groups, such as the National Trust, RSPB, Greenpeace or membership of the Freemasons or similar Body.) |  |
| (e) Please tell us about yourself, including why you want to become a Town Councillor, previous and current community/council work and other skills that you can bring to the Town Council, your career, interests etc.  (Please use a separate sheet if necessary) |  |

GDPR: The contents of this application form will be shared with current Members of the Council so that a decision can be made on whether to co-opt. This information will be held for six months.

**I confirm that the Council may retain this information for the use in co-opting of Councillors as detailed above.**

**Signed……………………**

**Local Government Act 1972 (Excerpts)**

**80. Disqualifications for election and holding office as member of local authority.**

(1) Subject to the provisions of section 81 below, a person shall be disqualified for being elected or being a member of a local authority if he –

(a) holds any paid office or employment (other than the office of chairman, vice-chairman, deputy chairman, presiding member or deputy presiding member or, in the case of a local authority which are operating executive arrangements which involve a leader and cabinet executive, the office of executive leader or member of the executive) appointments or elections to which are or may be made or confirmed by the local authority or any committee or sub-committee of the authority or by a joint committee or National Park authority on which the authority are represented or by any person holding any such office or employment; or

(b) is the subject of a bankruptcy restrictions order or an interim bankruptcy restrictions order, or a debt relief restrictions order under Schedule 4ZB of the Insolvency Act 1986; or

(c) [This has been removed and no longer applies]

(d) has within five years before the day of election or since his election been convicted in the United Kingdom, the Channel Islands or the Isle of Man of any offence and has had passed on him a sentence of imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine; or

(e) is disqualified for being elected or for being a member of that authority under Part III of the Representation of the People Act 1983.

(2) Subject to the provisions of section 81 below, a paid officer of a local authority who is employed under the direction of –

(a) a committee or sub-committee of the authority any member of which is appointed on the nomination of some other local authority; or

(b) a joint board, joint authority, economic prosperity board, combined authority, joint waste authority or joint committee on which the authority are represented and any member of which is so appointed;

shall be disqualified for being elected or being a member of that other local authority.

(2AA) A paid member of staff of the Greater London Authority who is employed under the direction of a joint committee the membership of which includes –

(a) one or more persons appointed on the nomination of the Authority acting by the Mayor, and

(b) one or more members of one or more London borough councils appointed to the committee on the nomination of those councils,

shall be disqualified for being elected or being a member of any of those London borough councils.

(2A) Subsection (2) above shall have effect as if the reference to a joint board included a reference to a National Park authority.

(2B) For the purposes of this section a local authority shall be treated as

represented on a National Park authority if it is entitled to make any appointment of a local authority member of the National Park authority.

(3) Subsection (1)(a) shall have effect in relation to a teacher in a school maintained by the local authority who does not hold an employment falling within that provision as it has effect in relation to a teacher in such a school who holds such an employment.

(5) For the purposes of subsection (1)(d) above, the ordinary date on which the period allowed for making an appeal or application with respect to the conviction expires or, if such an appeal or application is made, the date on which the appeal or application is finally disposed of or abandoned or fails by reason of the non-prosecution thereof shall be deemed to be the date of the conviction.

81. Exception to provisions of section 80

(4) Section 80(2) and (3) above shall not operate so to disqualify –

(a) any person by reason of his being a teacher, or otherwise employed, in a school or other educational institution maintained or assisted by a county council for being a member of a district council by reason that the district council nominates members of the education committee of the county council

**81A. Disqualification relating to sexual offences etc**

(1) A person is disqualified for being elected or being a member of a local authority in England if the person is subject to—

(a) any relevant notification requirements, or

(b) a relevant order.

(2) In this section "relevant notification requirements" means—

(a) the notification requirements of Part 2 of the Sexual Offences Act 2003;

(b) the notification requirements of Part 2 of the Sex Offenders (Jersey) Law 2010;

(c) the notification requirements of Part 2 of the Criminal Justice (Sex Offenders and Miscellaneous Provisions) (Bailiwick of Guernsey) Law 2013;

(d) the notification requirements of Schedule 1 to the Criminal Justice Act 2001 (an Act of Tynwald: c. 4).

(3) In this section "relevant order" means—

(a) a sexual harm prevention order under section 345 of the Sentencing Code;

(b) a sexual harm prevention order under section 103A of the Sexual Offences Act 2003;

(c) a sexual offences prevention order under section 104 of that Act;

(d) a sexual risk order under section 122A of that Act;

(e) a risk of sexual harm order under section 123 of that Act;

(f) a risk of sexual harm order under section 2 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005;

(g) a sexual risk order under section 27 of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016;

(h) a restraining order under Article 10 of the Sex Offenders (Jersey) Law 2010;

(i) a child protection order under Article 11 of that Law;

(j) a sexual offences prevention order under section 18 of the Criminal Justice (Sex Offenders and Miscellaneous Provisions) (Bailiwick of Guernsey) Law 2013;

(k) a risk of sexual harm order under section 22 of that Law;

(l) a sexual offences prevention order under section 1 of the Sex Offenders Act 2006 (an Act of Tynwald: c. 20);

(m) a risk of sexual harm order under section 5 of that Act.

(4) For the purposes of subsection (1)(a), a person who is subject to any relevant notification requirements is not to be regarded as disqualified until—

(a) the expiry of the ordinary period allowed for making an appeal or application against the conviction, finding, caution, order or certification in respect of which the person is subject to the relevant notification requirements, or

(b) if such an appeal or application is made, the date on which it is finally disposed of or abandoned or fails because it is not prosecuted.

(5) For the purposes of subsection (1)(b), a person who is subject to a relevant order is not to be regarded as disqualified until—

(a) the expiry of the ordinary period allowed for making an appeal against the relevant order, or

(b) if such an appeal is made, the date on which it is finally disposed of or abandoned or fails because it is not prosecuted.

**Localism Act 2011**

*Section 34(4) describes how a person may be disqualified from standing in local government elections under this section. The remaining provisions of section 34 do not directly affect a person’s entitlement to stand for election*

**34 Offences**

(1) A person commits an offence if, without reasonable excuse, the person—

(a) fails to comply with an obligation imposed on the person by section 30(1) or 31(2), (3) or (7),

(b) participates in any discussion or vote in contravention of section 31(4), or

(c) takes any steps in contravention of section 31(8).

(2) A person commits an offence if under section 30(1) or 31(2), (3) or (7) the person provides information that is false or misleading and the person—

(a) knows that the information is false or misleading, or

(b) is reckless as to whether the information is true and not misleading.

(3) A person who is guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(4) A court dealing with a person for an offence under this section may (in addition to any other power exercisable in the person's case) by order disqualify the person, for a period not exceeding five years, for being or becoming (by election or otherwise) a member or co-opted member of the relevant authority in question or any other relevant authority.

(5) A prosecution for an offence under this section is not to be instituted except by or on behalf of the Director of Public Prosecutions.

(6) Proceedings for an offence under this section may be brought within a period of 12 months beginning with the date on which evidence sufficient in the opinion of the prosecutor to warrant the proceedings came to the prosecutor's knowledge.

(7) But no such proceedings may be brought more than three years—

(a) after the commission of the offence, or

(b) in the case of a continuous contravention, after the last date on which the offence was committed.

(8) A certificate signed by the prosecutor and stating the date on which such evidence came to the prosecutor's knowledge is conclusive evidence of that fact; and a certificate to that effect and purporting to be so signed is to be treated as being so signed unless the contrary is proved.

(9) The Local Government Act 1972 is amended as follows.

(10) In section 86(1)(b) (authority to declare vacancy where member becomes disqualified otherwise than in certain cases) after “ 2000 ” insert “ or section 34 of the Localism Act 2011 ”.

(11) In section 87(1)(ee) (date of casual vacancies)—

(a) after “2000” insert “ or section 34 of the Localism Act 2011 or ”, and

(b) after “decision” insert “ or order ”.

(12) The Greater London Authority Act 1999 is amended as follows.

(13) In each of sections 7(b) and 14(b) (Authority to declare vacancy where Assembly member or Mayor becomes disqualified otherwise than in certain cases) after sub-paragraph (i) insert—

“(ia) under section 34 of the Localism Act 2011,”.

(14) In section 9(1)(f) (date of casual vacancies)—

(a) before “or by virtue of” insert “ or section 34 of the Localism Act 2011 ”, and

(b) after “that Act” insert “ of 1998 or that section ”.