



POLICY FOR CO-OPTING A COUNCILLOR

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POLICY FOR CO-OPTING A COUNCILLOR

The Policy for Co-opting a Councillor was adopted by the Council (the “Council”) at its Council Meeting held on 08 May 2024.

Vacancies may arise on the Community Council either through seats being unfilled after a scheduled Election (Ordinary Vacancies), or because a Councillor has failed to attend meetings for a period of 6 months, has resigned, dies, ceases to be qualified or is disqualified (Casual Vacancies).

This Policy sets out the requirements and processes for new members to be Co-opted to vacancies.

1. Ordinary Vacancies - Co-option to unfilled seats after a scheduled Election

1.1 Where the Council has a quorum (one third of the sixteen seats on the Council have been elected), Co-option to fill seats that were left unfilled after an ordinary, scheduled election can occur straight away after the election has taken place, and in any case within 35 days of the date of the election (calculated excluding Saturday, Sunday, Christmas Eve, Christmas Day, Good Friday, a bank holiday or day appointed for public thanksgiving or mourning).

2. Casual Vacancies - vacancies arising from resignations etc.

2.1 During the 4-year term of a Council, if a Councillor fails to attend meetings for a period of 6 months, resigns, dies, ceases to be qualified or is disqualified, or has failed to deliver his or her Declaration of Acceptance of Office at the proper time, a ‘Casual Vacancy’ occurs.

2.2 The Proper Officer must inform the Returning Officer at Ashford Borough Council, Civic Centre, Tannery Lane, Ashford, Kent TN23 1PL in writing of the circumstances.

2.3 Upon notification of a vacancy, the Returning Officer will validate the notification and prepare a Notice of Vacancy in the correct form. This will state that a Casual Vacancy has arisen in the Office of Councillor for the relevant Ward of the Community Council. The Proper Officer will arrange for the Notice of Vacancy to be advertised in local newspapers, and displayed on Community Council noticeboards, websites, social media and in other places that the Council feels desirable.

2.4 If ten electors of the relevant Community Council Ward make a request in writing to the Returning Officer with 14 days of publication of the Notice of Vacancy (calculated excluding



Saturday, Sunday, Christmas Eve, Christmas Day, Good Friday, a bank holiday or day appointed for public thanksgiving or mourning), an election will be held to fill the vacancy; otherwise the vacancy will be filled by Co-option. The process of Co-opting a new Councillor to fill a vacant seat following a Casual Vacancy can only be carried out after the vacancy has been advertised using a Notice of Vacancy and that notice has expired.

3. Co-option following an Ordinary or Casual Vacancy

3.1 In order for the Council to obtain expressions of interest from people in the community in becoming a Councillor, the Council can display its own form of advertisement to show that there is a vacancy that the Council wishes to fill. This is an informal notice to gain interest from potential Co-optees and should not be confused with the official Notice of Vacancy.

3.2 The Community Council will make the vacancy as widely known as possible within the area and will provide the contact details of someone who can advise on the responsibilities and time commitments involved and to specify the date by which applications should be received.

4. Qualification and Disqualification

4.1 Candidates are required to confirm that they meet the qualifications to stand as a councillor which include:

- (i) They must be at least 18 years old, and
- (ii) They must be a British citizen, an eligible Commonwealth citizen or a citizen of any member state of the European Union

and meet at least one of the following four qualifications:

- (iii) They are, and will continue to be, registered as a local government elector in the Community Council's area from the day of their nomination onwards.
- (iv) They have occupied as owner or tenant any land or other premises in the Community Council's area during the whole of the 12 months before the day of their nomination and the day of their appointment.
- (v) Their main or only place of work during the 12 months prior to the day of their nomination and the day of their appointment has been in the Community Council's area.
- (vi) They have lived in the Community Council's area or within three miles of it during the whole of the 12 months before the day of their nomination and the day of their appointment.

4.2 Persons seeking to be Co-opted must read the further details found in *Parish and Community Council Elections in England and Wales Guidance for Candidates* published by the Electoral Commission (<https://www.electoralcommission.org.uk/sites/default/files/2022-01/Overview%20Parish%20LGE.pdf>)

4.3 Persons seeking to be Co-opted **are disqualified** if:

- (i) They are employed by the Community Council or hold a paid office under the Community Council (including joint boards or committees).
- (ii) They are the subject of a bankruptcy restriction or interim order.
- (iii) They hold what is known as a politically restricted post.



- (iv) They have served a prison sentence (including a suspended sentence) of three months or more within five years of their appointment.
 - (v) They have been disqualified from holding office as a result of an election offence relating to corrupt or illegal practices.
 - (vi) They are subject to the notification requirement of or under Part 2 of the Sexual Offences Act 2003, and the ordinary period allowed for making an appeal or application in respect of the order or notification has passed.
- 4.4 It is a criminal offence to make a false statement on nomination papers as to qualification for being nominated for Co-Option.
- 4.5 The date of election is the date at which the Council resolves to appoint the applicant.

5. Consideration of applications

- 5.1 All candidates must submit an application using the form in Annex 1, not later than a date determined by the Clerk to the Council. Legible electronic copies will be accepted.
- 5.2 Following receipt of applications by the Proper Officer, the Proper Officer will arrange that the next suitable Council meeting will have an agenda item 'To receive written applications for the office of Councillor and to Co-opt a candidate to fill the existing vacancy'. Copies of the candidates' applications will be circulated to all Councillors by the Clerk at least 3 clear days prior to the meeting of the Council at which the Co-option will be considered. All such documents will be treated by the Clerk and all Councillors as Strictly Private and Confidential.
- 5.3 Candidates will be sent a full agenda of the meeting at which their application will be considered, together with a copy of the Code of Conduct, Standing Orders and Financial Regulations. Candidates will also be informed that they will be invited to speak about their application at the meeting.
- 5.4 At the Council meeting, candidates will be given five minutes maximum to introduce themselves to Councillors, give information on their background and experience and explain why they wish to become a Councillor. Councillors may request points of clarification on the information provided by the candidate, through the Chair. The process will be carried out by adjourning the meeting to allow the candidate to speak. The Council may resolve that it does not require any candidate to speak, and proceed to a debate and vote on the applications.
- 5.5 The Council's debate and vote on the Co-option must be conducted in public. It follows that the candidates, as members of the public, will be entitled to be present during the proceedings.
- 5.6 When all applications have been considered, the Council will then decide whom they wish to appoint. Each person Co-opted must receive an absolute majority vote of the Councillors present and voting, in accordance with the adopted Standing Orders. All candidates should be informed of the decision as soon as possible.

6. Exceptions to the procedures outlined above

- 6.1 If a Casual Vacancy occurs as a result of the death of a Councillor, the production and display of the 'Notice of Vacancy' can be postponed until such time as the Returning Officer/Proper Officer feels it is reasonable, taking account of the views of Councillors as appropriate (often this will be after the funeral). Whilst there is a legal obligation for the Proper Officer to notify



the Returning Officer of a Casual Vacancy, there is no intention to cause unnecessary distress.

- 6.2 If a vacancy results in the Community Council becoming inquorate, or if a vacancy occurs within 6 months of scheduled elections, different rules apply. The Proper Officer will be advised accordingly at the time should either of these circumstances arise.

7. Documents to be completed by Councillors

7.1 All Councillors (whether elected or Co-opted) must complete a 'Declaration of Acceptance of Office' form. This form confirms that the Councillor is taking up office, and that they agree to abide by the Council's adopted Code of Conduct. A person elected to the office of Chairman or Community Councillor shall:

- (i) in the case of a Chairman of a Community Council sign the declaration at the meeting at which they are elected.
- (ii) in the case of a Community Councillor, before or at the first meeting of the council after their election: or
- (iii) in either case, if the Council at that first meeting allows, before or at a later meeting

7.2 The declaration should be made in the presence of the Proper Officer. Failure to make the declaration or failure to make the declaration at the required time or in the correct manner will mean that the office will become vacant.

7.3 All Councillors (both elected and Co-opted) must complete a 'Register of Interests' form to give details about any property/land they own in the Community area, any financial interests, and any other bodies that they belong to/carry out work for, in order to reveal any matters that they have an interest in, should the Council be called upon to make a decision in that area.

7.4 The Proper Officer will provide the forms for the new Councillor to complete. Completed Register of Interests forms should be copied and the copies retained by the Proper Officer. The originals should be sent to the Monitoring Officer, Ashford Borough Council, Civic Centre, Tannery Lane, Ashford, Kent TN23 1PL

8. Revision History

Version	Date	Comments
Draft v0.1	13 Sep 2019	Initial draft for comment
Draft v0.2	14 Sep 2019	Applications to be circulated in advance
Draft v0.3	16 Sep 2019	Minor edits
Draft v1.00	13 Nov 2019	Adopted
Final 2.00	14 June 2023	Readopted 14 June 2023
Draft v2.1	7 July 2023	Update of disqualifications, additional headings, deletion of redundant material
Final 3.0	12 Jul 2023	Adopted at Council
Final 4.0	08 May 2024	Adopted at Annual Council Meeting 08.05.24

Policy Adopted: 08 May 2024

Review due: 31 May 2025



Annex 1 Co-option of Community Councillors – Application Form

1 Instructions to Applicants

Councillor vacancies have arisen post the [May 202x] elections / following the resignation of Councillors for [n] Councillors, to represent the [Bybrook, Grosvenor Hall, Kennington, Kennington North, Little Burton Farm] Wards of Kennington Community Council. The Council has agreed to open the vacancies to residents who want to represent their local area and who could be Co-opted onto the Council.

Applicants are invited to apply by completing this form and returning it to the Community Council Clerk by **5.00 pm on [date]**. Both Part 1 and Part 2 of this form must be completed. Part 1 is confidential and for the Clerk's use only; Part 2 will be reviewed by all current councillors and may be discussed at a meeting in public at which applications will be assessed. Applicants should realise that the selection of the successful candidate will be based entirely upon the information given here.

Please note that the same rules apply to a Co-opted councillor as to any other councillor seeking election. The rules on qualification and disqualification are summarised below. If in doubt please seek further advice from the Community Council Clerk.

2 What type of skills should a councillor have?

- Be a good listener and be able to provide advice and help to local residents
- Have the ability to understand and consider detailed and often complex issues
- Be able to work in partnership with other councillors on various committees or with representatives on external organisations for the good of the whole area
- Have a good understanding of the Community Council's area and the needs of its residents
- No formal qualifications are required to become a councillor.

3 To be able to stand as a candidate you must:

- be at least 18 years old
- be a British citizen, an eligible Commonwealth citizen or a citizen of any member state of the European Union,

and meet at least one of the following four qualifications:

- You are, and will continue to be, registered as a local government elector for the Community Council in which you wish to stand from the day of your nomination onwards.
- You have occupied as owner or tenant any land or other premises in the Community Council's area during the whole of the 12 months before the day of your nomination and the day of election.
- 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 Community Council's area.
- You have lived in the Community Council's 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.

Please make sure you have read the further details found in *Parish and Community Council Elections in England and Wales Guidance for Candidates* published by the Electoral Commission (<https://www.electoralcommission.org.uk/sites/default/files/2022-01/Overview%20Parish%20LGE.pdf>)



4 You cannot stand for election or co-option as a Councillor if:

- You are employed by the Community Council or hold a paid office under the Community Council (including joint boards or committees).
- You are the subject of a bankruptcy restriction or interim order.
- You hold what is known as a politically restricted post.
- You have served a prison sentence (including a suspended sentence) of three months or more within five years of their appointment.
- You have been disqualified from holding office as a result of an election offence relating to corrupt or illegal practices.
- You are subject to the notification requirement of or under Part 2 of the Sexual Offences Act 2003, and the ordinary period allowed for making an appeal or application in respect of the order or notification has passed.

5 It is a criminal offence to make a false statement on nomination papers as to qualification for being nominated for Co-Option.

Please complete both Part 1 and Part 2 of this form and return by e-mail to the Clerk at clerk@kenningtoncc.gov.uk, or by post to The Clerk, Kennington Community Council, PO Box 606, ASHFORD TN23 9YF by **5.00 pm on [date]**. **Your application will be considered at the Council meeting on [date]**.

Personal data you provide on this form will be retained by the Clerk for 12 months from the date of election/co-option and will then be destroyed.



APPLICATION TO BE CO-OPTED	
PART 1: THIS SECTION WILL ONLY BE SHARED WITH THE COMMUNITY COUNCIL CLERK	
FULL NAME	
ADDRESS	
Ashford Borough electoral ward in which you are registered to vote:	
Home phone no:	
Mobile phone no:	
e-mail address	
TO BE SIGNED BY APPLICANT	
<p>By submitting this application I confirm that I have read the Electoral Commission's <i>Guidance for Candidates for Parish and Community Council Elections in England and Wales</i> and confirm that:</p> <p>a) I am at least 18 years old, and</p> <p>b) I am a British citizen, an eligible Commonwealth citizen or a citizen of any member state of the European Union, and</p> <p>c) I am qualified to stand for this post for the following reasons (tick all that apply):</p> <p style="margin-left: 20px;"><input type="checkbox"/> I am, and will continue to be, registered as a local government elector in the Community Council's area</p> <p style="margin-left: 20px;"><input type="checkbox"/> I have occupied as owner or tenant any land or other premises in the Community Council's area during the whole of the previous 12 months</p> <p style="margin-left: 20px;"><input type="checkbox"/> my main or only place of work has been in the Community Council's area during the whole of the previous 12 months</p> <p style="margin-left: 20px;"><input type="checkbox"/> I have lived in the Community Council's area or within three miles of it during the whole of the previous 12 months</p> <p>d) I am not disqualified in any way from applying for this post</p> <p>e) If appointed to an external body, I agree to be bound by their terms</p>	
Applicant's Signature	Checked by Clerk to the Council
<p style="font-size: 2em; margin-left: 20px;">X</p> <hr style="width: 80%; margin-left: 20px;"/> <p style="margin-left: 20px;">Applicant</p>	
Date	Date



APPLICATION TO BE CO-OPTED			
PART 2: THIS SECTION WILL BE REVIEWED BY ALL CURRENT COUNCILLORS AND MAY BE DISCUSSED AT A MEETING IN PUBLIC			
FULL NAME, OR NAME YOU ARE COMMONLY KNOWN BY:			
Summary of qualifications to stand (please tick all that apply)			
Registered as a local government elector in the Community Council's area	Occupied as owner or tenant any land or other premises in the Community Council's area	Main or only place of work has been in the Community Council's area	Lived in the Community Council's area or within three miles of it
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
WARD APPLIED FOR (PLEASE TICK ONE ONLY)		NO OF VACANCIES	
BYBROOK WARD <input type="checkbox"/>			
GROSVENOR HALL WARD <input type="checkbox"/>			
KENNINGTON WARD <input type="checkbox"/>			
KENNINGTON NORTH WARD <input type="checkbox"/>			
LITTLE BURTON FARM WARD <input type="checkbox"/>			
Why do you wish to become a Community Councillor? (limit 200 words)			
What skills and aptitudes or local knowledge will you bring to the position of Community Councillor? (limit 200 words)			



What are the issues and opportunities that the Community Council should focus on in the Ward you would like to represent (word limit 200 words).

END