

Policy for Co-opting a Councillor

The Policy for Co-opting a Councillor was adopted by the Council at its Council Meeting held on 13 November 2019.

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

- a) Where the Council has a quorum (one third of seats 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). The process of co-option is set out in section 3 below.

2) Casual Vacancies - vacancies arising from resignations etc.

- a) 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. The procedure for dealing with casual vacancies is set out below.
- b) 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.
- c) 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.
- d) 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.

3) Co-option following an Ordinary or Casual Vacancy

- a) 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.
- b) 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 (see above).

Policy for Co-opting a Councillor

- c) 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.
- d) All candidates must submit a written application using the form in Appendix 1, not later than a date which may be determined by the Proper Officer. Candidates are required to confirm that they meet the qualifications to stand as a councillor which include
 - i) Be aged 18 or above
 - ii) Be a British citizen, or a citizen of another Commonwealth country, the Republic of Ireland or the European Union
 - iii) Be registered to vote with Ashford Borough Council
 - iv) For the whole of the previous 12 months have lived in the Community Council area or within three miles of it, or their main place of work during the previous 12 months has been in the Community Council area
- e) Candidates must read the further details found in [Parish and Community Council Elections in England and Wales Guidance for Candidates](#) published by the Electoral Commission.
- f) Following receipt of applications, 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.
- g) 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.
- h) 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.
- i) 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.
- j) When all applications have been seen, the Council will then decide whom they wish to appoint and all candidates should be informed as soon as possible after that.
- k) Each person co-opted must receive an absolute majority vote of the Councillors present and voting, in accordance with the adopted Standing Orders.
- l) A person elected or co-opted to fill a Casual Vacancy holds office until the person in whose place they are elected or appointed would regularly have retired.
- m) Exceptions to the procedures outlined above:

Policy for Co-opting a Councillor

- i) 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.
- ii) 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.

4) Documents to be completed by Councillors

- a) 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
 - b) 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.
 - c) 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 (see Appendix 3).
- 5) The Proper Officer will provide the forms for the new Councillor to complete.
- 6) 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
- 7) The Community Council is a corporate body and as such is subject to a Judicial Review if the correct procedures are not followed.

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
Final v1.0	13 November 2019	Adopted