



Kendal Town Council

Co-option Procedure

This policy sets out the procedure to ensure there is compliance with legislation and continuity of procedures in the co-option of members to Kendal Town Council.

The co-option procedure is entirely managed by the Town Council, and this policy will ensure that a fair and equitable process is carried out. There are no statutory rules regarding filling a vacancy by co-option.

To ensure that a fair and transparent procedure is undertaken this policy sets out the process to be followed by Kendal Town Council when co-opting.

1. INTRODUCTION

- 1.1 There are two circumstances under which the Electoral Officer of South Lakeland District Council will notify Kendal Town Council that it should proceed to fill a vacancy by co-option:
- a) **ORDINARY VACANCY** - when a ward seat has been left vacant because no eligible candidate stood for election at the ordinary elections for a new Council (currently at four-yearly intervals). In this instance the Town Clerk would be notified of vacancies by South Lakeland District Council and that efforts must be made to fill the vacancies by co-option.
 - b) **CASUAL VACANCY** - during the life of a council when a ward seat has fallen vacant (because of a resignation, death, disqualification or ineligibility). The Town Clerk will immediately notify the Electoral Officer and the vacancy will be advertised. If the required 10 electors of the ward have not called for a poll (by-election) within the legally specified time period (currently 14 days) following publication of the Notice of Vacancy, the Town Clerk would be notified by South Lakeland District Council and that the vacancy(s) should be filled by co-option.
- 1.2 The Town Council should co-opt to fill any vacancy, but is not obliged to do so, and will not usually do so within 6 months of an ordinary election. It is not desirable that electors in a ward be left partially or fully unrepresented for a significant length of time. Neither does it contribute to effective and efficient working of the Council if there are insufficient Councillors to share the workload equitably; to provide a broad cross-section of skills and interests; or to achieve meeting quorums without difficulty, given that some absence is unavoidable at times.
- 1.3 Even if the Council invites applications for co-option, it is not obliged to select anyone from the candidates who apply.
- 1.4 If there are no applicants or Council decides not to select any of the candidates, Council will decide whether they wish to undertake another co-option exercise either immediately or after a defined period of time.
- 1.5 The electoral area of Kendal Town Council is divided into wards. At a full election a candidate may only stand for election in one ward. This may result in some wards having more candidates standing for election than there are seats available, while other wards may have insufficient candidates standing for election to fill the available number of seats. Under these circumstances, the Town Council will be notified by the Electoral Authority after the election that it should proceed to fill any remaining vacancies by co-option.
- 1.6 Councillors elected by co-option are FULL members of the Council.

2. APPLICATION PROCESS

- 2.1** On receipt, of written notification, from the Electoral Officer at South Lakeland District Council, that a casual vacancy should be filled by means of co-option:
- a) The Town Clerk will announce the vacancy or vacancies to be filled by co-option as soon as practicable (usually within 21 days of receipt of the written notification) by means of displaying a Notice on the Council Noticeboard and website.
 - b) The co-option Notice will include the closing date for acceptance of requests for consideration (usually between 14 and 30 days after the date of the display) and the number of vacancies.
 - c) The Town Clerk will advise the Council when the Co-option Policy has been instigated, by sending an email notification to all Councillors.
- 2.2** Members may point out the vacancies and the process to any qualifying candidate(s).
- 2.3** Candidates found to be offering inducements of any kind will be disqualified.
- 2.4** The Statutory requirements to be co-opted as a Councillor are the same as standing for election to the Town Council.
- 2.5** The applicant needs to be proposed and seconded by two residents on the electoral register for the appropriate Town Council ward.
- 2.6** The applicant must be 18 years or over, a British subject or a citizen of the Commonwealth or a citizen of a member state of the European Union and meet at least one of the following qualifications:
- a) Is on the electoral register anywhere in the civil parish.
 - b) Has lived in or within 3 miles of the civil parish boundary for the previous 12 months.
 - c) Owns, rents, occupies or otherwise has right of occupation of land in the civil parish.
 - d) Works in the civil parish.

- 2.7** Although there is no statutory requirement to do so, applicants for co-option will be asked to:
- a) submit information about themselves, by completing a short application form (a copy of the application form is attached as Appendix 1) together with a CV and written summary covering: their reasons for wishing to be a Councillor; previous community/Council work; any other skills they can bring to the Council, their interests and recent career history, similar to that which they would produce if standing for election.
 - b) confirm their eligibility for the position of Councillor within the statutory rules (a copy of the confirmation of eligibility form is attached as Appendix 2).
 - c) Guidance Notes are given at Appendix 3 to aid candidates.
- 2.8** Copies of the applicant's application forms will be circulated to all Councillors by the Town Clerk at least seven days prior to the meeting of the full Council, when the co-option will be considered. All documents will be treated by the Clerk and all Councillors in confidence and in accordance with the GDPR 2018.
- 2.9** Candidates will be sent an invitation to attend the meeting at which their appointment application will be considered as part of the full agenda of the meeting.
- 2.10** Candidates will be informed that they **may** wish to speak for up to 3 minutes about their application at the Council meeting, but this is at their discretion and not obligatory.
- 2.11** If Members wish to discuss the candidate's application forms the press and public will be asked to leave the Council meeting, for the applications to be considered. If there is no discussion requested the Chair can commence the voting procedure.

3. VOTING PROCEDURE

- 3.1** If consideration of the application has taken place without the press and public being present, the Chair will reconvene the meeting and it will be reopened to the public and press and voting takes place.
- 3.2** Voting will be according to the statutory requirements, in that, a successful candidate must have received an absolute majority vote of those present and voting.
- 3.3** If there are more than two candidates for one vacancy and no one of them at the first count receives a majority over the aggregate votes given to the rest, the candidate with the least number of votes will be removed from consideration and the remainder will then be put to the vote again.
- 3.4** This process will, if necessary, be repeated until a majority is obtained.
- 3.5** This process will be followed separately for each individual vacancy for which co-option is under consideration
- 3.6** If no candidate secures an absolute majority of votes cast for an individual vacancy, then that vacancy remains unfilled (e.g. 18 councillors are present and 10 abstain from voting then there is no absolute majority).
- 3.7** Councillors shall vote by paper ballot listing all the candidates names plus an option for "none of the candidates".

- 3.8 In the case of an equality of votes, the Chair of the meeting has a second or casting vote.
- 3.9 After the vote has been concluded, the Chair will declare the successful candidate duly elected and after signing their declaration of Acceptance of Office may take their seat immediately.
- 3.10 The Council is not obliged to provide feedback on the application process to unsuccessful candidates.

4. ACCEPTANCE OF OFFICE

- 4.1 The successful candidate(s) must sign their declaration of acceptance of office before they can act as a Councillor. The Register of Interest form must be completed within 28 days and the Town Clerk will forward a copy to the District Council Monitoring Officer.
- 4.2 The Clerk will advise the Elections Officer of South Lakeland District Council of the names of anyone co-opted to the Council.
- 4.3 The Town Clerk is responsible for providing each new Councillor with an induction, a new Councillors pack and should ensure that all new Councillors have read and understood the Code of Conduct and the Standing Orders adopted by the Council.

5. REVIEW

This policy will be reviewed every year (or earlier if required by changes to legislation or additional documentation) and amended as necessary based on good practice or evidence taken forward.

Adopted: February 2020

(minor, non-substantial amendments December 2022)

Appendix 1

**KENDAL TOWN COUNCIL
Co-option Application Form**

PERSONAL DETAILS - (Block Capitals please)		
Name:		
Address:		
Telephone or Mobile Number:		
Email address:		
Are you 18 or over?	YES	NO
Are you a British subject or a citizen of the Commonwealth or a citizen of a member state of the European Union?	YES	NO

If **NOT** resident in Kendal please confirm the address for qualification in Appendix 2 Section 1 Eligibility

Address:

Is there any other information you would like to disclose regarding your application? (e.g. if you are related to an employee of the Council / would require assistance during Council meetings with your mobility, hearing or vision)

Signature **Date**

For verification by Town Clerk

Electoral Roll No.

Please return your completed form, together with your written summary and the Co-option Eligibility Form to:

Town Clerk
Kendal Town Council
Town Hall
Highgate
Kendal
LA9 4ED

Tel: 01539 793491 Email: clerk@kendaltowncouncil.gov.uk

Please detail any experience you have that may be relevant to Kendal Town Council (If necessary, please continue using separate sheet of paper).

Appendix 2

KENDAL TOWN COUNCIL Co-option Eligibility Form

1. In order to be eligible for co-option as a Kendal Town Councillor you must be a British subject, or a citizen of the Commonwealth or the European Union; and be 18 years of age or over on the 'relevant date' (i.e. the day on which you are nominated or if there is a poll the day of the election). You must additionally be able to meet one of the following qualifications **(Please tick those that apply)**:

- I am registered as a local government elector for the civil parish of Kendal; **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 the civil parish of Kendal; **or**
- My principal or only place of work during those twelve months has been in the civil parish of Kendal; **or**
- I have during the whole of twelve months resided within 3 miles of the civil parish of Kendal.

2. Please note that 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 he/she:

- a) holds any paid office or employment of the town council (other than the office of Chair) or of a joint committee on which the Council is represented;
or
- b) is a person who has been adjudged bankrupt or has made a composition or arrangement with his/her creditors* (but see below);
or
- c) has within five years before the day of election, or since his/her election, been convicted in the UK, Channel Islands or Isle of Man of any offence and has been sentenced to imprisonment (whether suspended or not) for not less than three months without the option of a fine;
or
- d) is otherwise disqualified under Part III of the representation of the People Act 1983 for corrupt or illegal practices.

*This disqualification for bankruptcy ceases in the following circumstances: -

- i) if the bankruptcy is annulled on the grounds that either the person ought not to have been adjudged bankrupt or that his/her debts have been fully discharged;
- ii) if the person is discharged with a certificate that the bankruptcy was caused by misfortune without misconduct on his/her part;
- iii) if the person is discharged without such a certificate.

In (i) and (ii) above, the disqualification ceases on the date of the annulment and discharge respectively. In (iii), it ceases on the expiry of five years from the date of discharge.

I (*insert name*)

.....
hereby confirm,

that I am eligible to apply for the vacancy of Kendal Town Councillor, and the information given on this form is a true and accurate record.

Signed **Dated**

***Proposer**

Name.....

Address.....

***Secunder**

Name.....

Address.....

<p>For verification by Town Clerk</p> <p>Electoral Roll No.</p> <p>Electoral Roll No.</p>

***(PLEASE NOTE PROPOSERS AND SECONDEES NEED TO BE ELECTORS IN THE WARD IN WHICH YOU INTEND TO APPLY FOR CO-OPTION)**

Appendix 3

KENDAL TOWN COUNCIL Co-option Guidance Notes

Example competencies that would be desirable for a Parish Councillor are:

Personal Attributes

- Sound knowledge and understanding of local affairs and the local Parish.
- Forward thinking
- Can bring a new skill, expertise or key local knowledge to the Council.

Experience, Skills, Knowledge and Ability

- Ability to listen constructively
- A good team player
- Ability to pick up and run with a variety of projects
- Solid interest in local matters
- Ability and willingness to represent the Council and their Parish
- Good interpersonal skills and able to contribute opinions at meetings whilst willing to see others views and accept majority decisions.
- Ability to communicate succinctly and clearly.
- Ability and willingness to work closely with other members and to maintain good working relationships with all members and the clerk.
- Ability and willingness to work with the Council's partners (e.g. voluntary groups, other Parish Councils, principal authority, charities).
- Ability and willingness to undertake induction training and other relevant training.
- Experience of working with voluntary and or local interest groups

Circumstances

- Ability and willingness to regularly attend meetings of the Council. (Please note that the majority of Council meetings are held in an evening and, unfortunately, under present legislation the Parish Council is not permitted to contribute to the cost of Councillors' childcare or care of dependants.)

Appendix 1 Application Form.

Examples of information to cover when detailing experience in the application form are as follows:

- why you are interested in being a Parish Councillor?
- tell us something about the life experience you will bring to the Council, for example, previous local government experience, work in the voluntary or charitable sector, business or trade union experience.
- tell us something about the skills you feel you will bring to the Council, for example, professional qualifications, financial or project management expertise, listening and organisational skills.
- If there are any questions you would like to ask the Council.