



## Kirton in Lindsey Town Council

### Policy No 34: Co-option Policy

Adopted: July 2023 (v.20231) [FC2307/10]

#### **1. Introduction**

This policy sets out the procedure to ensure there is compliance with legislation and continuity of procedures in the co-option of members to Kirton in Lindsey Town Council. The co-option procedure will ensure that a fair and consistent process is conducted.

#### **2. Co-option**

The co-option of a Town Councillor occurs when a casual vacancy has arisen on the Council and no poll (by-election) has been called. A casual vacancy occurs when:

- A Councillor fails to make their Declaration of Acceptance of Office at the proper time.
- A Councillor resigns.
- A Councillor dies.
- A Councillor becomes disqualified.
- A Councillor fails to attend any meetings of the Council for six months.

A Notice of Vacancy will be displayed prominently in the parish to give electors the opportunity to request a by-election. This occurs when ten (minimum) electors write to Electoral Services at North Lincolnshire Council requesting an election is held. The closing date for representations will be published on the Notice of Vacancy.

If more than one candidate is then nominated a by-election takes place, but if there is only one candidate they are duly elected uncontested without a ballot.

If a by-election is called, a polling station will be set up by North Lincolnshire Council within sixty working days of the closing date and residents will be asked to go to the polls to vote for candidates who will have put themselves forward by way of nomination papers. North Lincolnshire Council will pass all associated costs of the by-election onto the Town Council.

If ten or more residents **do not** request a ballot within fourteen days of the Notice of Vacancy being posted the Town Council is allowed to fill the vacancy by co-option.

The National Association of Local Councils (NALC) recommends that Local Councils always give public notice of vacancies because this makes the process of co-option open and transparent and should attract more potential candidates.

The Town Council is not obliged to fill any vacancy. Even if the Council invites applications for co-option, it is not obliged to select anyone from the candidates who apply. However, it is not desirable that residents be left partially underrepresented for some significant lengths of time. Neither does it contribute to effective and efficient working of the Council if there are insufficient Councillors to share the workload or to provide a broad cross-section of skills, interests and points of view, or the achieving of meeting quorums without difficulty. For the purpose of openness and transparency, Kirton in Lindsey Town Council will endeavour to fill any vacancies at the earliest opportunity.

Councillors elected by co-option are full members of Kirton in Lindsey Town Council. There is no distinction between an elected or co-opted member.

### **3. Eligibility of Candidates**

Once it is satisfied that a candidate is eligible to be co-opted onto a Council, NALC recommends that the Council should employ a fair and transparent process to assess the suitability of a proposed candidate. The Council should assess if a proposed candidate has the skills expected and/or has any additional expertise or areas of interest which will assist the Council in exercising its various functions.

The Town Council can consider any person to fill a vacancy provided that:

- They are a British Citizen, a Commonwealth Citizen or a citizen of any member state of the European Union.
- They are at least eighteen years old.

and at least one of the following also apply:

- They are currently a registered elector for the parish of Kirton in Lindsey.
- They have resided in the parish for the past twelve months or currently rent/tenant land or other premises in the parish, or they live within three direct miles of the parish.
- Their principal place of work is within the parish.

There are certain disqualifications for members (see Section 80 of the Local Government Act 1972), of which the main are:

- Holding any paid office or employment by the Town Council or employed by an entity under the control of the Town Council such as one of its contractors;
- Having been declared bankrupt;
- Having been subject to a debt relief order;
- Having been sentenced to a term of imprisonment (whether suspended or not) of three or more months, without the option of a fine during the five years preceding;
- Disqualified under any enactment relating to corrupt or illegal practices, under the Representation of the People Act 1983 including offences relating to donations.

Candidates found to be offering inducements of any kind will be disqualified.

### **4. Applications**

Kirton in Lindsey Town Council aims to encourage applications from anyone in the parish who is eligible to stand. Officers and Members may point out the vacancies and the process to any qualifying candidate(s).

The Council will advertise the vacancy to seek and encourage 'expressions of interest' by a specified date. All potential candidates will be asked to put their request for consideration in writing, using a standard application form for co-option. The application form will include a copy of this Co-Option Policy.

Following the closing date, all candidate's applications shall be circulated to existing Councillors to allow them the opportunity to compare them against the personal specification for a co-opted Councillor and prepare any questions they may wish to ask candidates. All such documents will be treated by Officers and all members as 'Strictly Private and Confidential.'

All eligible applicants will be invited to attend and sent the agenda of the meeting at which they are to be considered for appointment. Candidates will also be informed that they will be invited to speak about their application at the meeting.

Attendance at Kirton in Lindsey Town Council meetings prior to co-option may be something positive that might be taken into consideration in decisions made.

### **5. At the Co-option Meeting**

At the Council meeting considering the co-option, the Chair will adjourn the meeting to allow each candidate a maximum of five minutes to introduce themselves to the members, give information on their background and experience and explain why they wish to become a Town Councillor.

In the event of a candidate being unable to attend, their application will still be considered by members. In the event of a candidate being related to a Councillor, then the Councillor would be expected to declare an interest.

Once each candidate has spoken, the Chair shall reconvene the meeting. The Council will then proceed to a vote on the acceptability of each candidate, in accordance with Standing Orders, using the 'person specification' criteria set out in Appendix A as a guide, and any personal statements provided by candidates. Members will assess if a proposed candidate has the skills expected and/or has any additional expertise, or areas of interest, which will assist the Council in exercising its various functions. All candidates must be assessed in the same way. This will be done for each candidate being proposed and seconded by the Councillors in attendance and a vote by a show of hands. The vote will be recorded to show whether each Councillor present and voting gave their vote for or against that candidate being co-opted.

The process will be carried out in the public session and there will be no private discussions between members prior to a vote being taken. East Riding and Northern Lincolnshire Local Councils Association (ERNLLCA) note that the co-option process should be transparent and treating it as an exempt item and excluding the press and public is not one that is recommended. Transparency in the co-option process is in the public interest. Voting for candidates is by show of hands, the law does not allow for secret ballots.

For a candidate to be co-opted to Kirton in Lindsey Town Council, it will be necessary for them to obtain an absolute majority of votes cast (50% + 1 of the votes available at the meeting). If there are more than two candidates and votes are spread amongst candidates with no absolute majority, then the candidate with the lowest votes must drop out and further ballots undertaken until the required number of votes (i.e. an absolute majority) is reached. Each Councillor only has one vote for each vacancy in each ballot.

However, if the Council has declared that none of the applicants are suitable, the Council does not have to appoint them and will re-advertise the vacancy for fresh candidates repeating the procedure.

After the votes has been concluded and the decision made, the Chair will declare the successful candidate(s) duly elected and notify them that the Town Clerk will be in touch to make arrangements for the successful candidate(s) to sign their Declaration of Acceptance of Office. Once the Declaration is signed, the candidate(s) will be able to attend the next meeting of the Council as a member. As some supporting information distributed to members with agendas is confidential and sent under Councillor privilege, this information cannot be shared with candidates before they are confirmed as Councillors. As this means any candidate may not have had the required three days prior notice of information to make informed decisions on agenda items, they are unable to participate in the meeting they were invited to for the consideration of co-option, other than for the co-option process.

The Town Clerk will notify the Elections Office at North Lincolnshire Council of the new Councillor appointment. The successful candidate(s) must complete the North Lincolnshire Council 'Register of Interests' form within twenty-eight days of being elected which will be provided to them by the Town Clerk, along with other induction pack information.

**Signed:**..... Mayor of the Town Council

**Name:**.....

**Date:**.....

**Signed:**..... Clerk to the Town Council

**Name:**.....

**Date:**.....

Appendix A

**CO-OPTED COUNCILLOR PERSON SPECIFICATION**

<b>COMPETENCY</b>	<b>ESSENTIAL</b>	<b>DESIRABLE</b>
<b>Personal Attributes</b>	<ul style="list-style-type: none"> <li>• Sound knowledge and understanding of local affairs and the local community.</li> <li>• Forward thinking.</li> </ul>	<ul style="list-style-type: none"> <li>• Can bring a new skill, expertise, or key local knowledge to the Council.</li> </ul>
<b>Experience, Skills, Knowledge and Ability</b>	<ul style="list-style-type: none"> <li>• Ability to listen constructively.</li> <li>• Good people skills and able to contribute opinions at meetings whilst willing to see others' views and accept majority decisions.</li> <li>• Ability to communicate succinctly and clearly, including by email.</li> <li>• Ability to remain calm and professional in a heated debate.</li> <li>• A good team player.</li> <li>• Ability and willingness to collaborate closely with other members and to maintain good working relationships with all members and staff.</li> <li>• Be enthusiastic.</li> <li>• Ability to pick up and run with a variety of local projects.</li> <li>• A solid interest in local matters.</li> <li>• Ability and willingness to represent the Council and their community.</li> <li>• Ability and willingness to collaborate with the Council's partners (e.g., voluntary groups, other parish councils, principal authority, charities).</li> <li>• Ability and willingness to undertake induction training and other relevant training.</li> </ul>	<ul style="list-style-type: none"> <li>• Experience of working or being a member in a local authority or other public body.</li> <li>• Experience of working with voluntary and or local community / interest groups.</li> <li>• Basic knowledge of legal issues relating to Town and Parish Councils or local authorities.</li> <li>• Experience of delivering presentations.</li> <li>• Good standard of computer literacy.</li> </ul>
<b>Circumstances</b>	<ul style="list-style-type: none"> <li>• Ability and willingness to attend meetings of the Council (or meetings of other local authorities and local bodies) at any time and events in the evening and at weekends.</li> <li>• Flexible and committed to the Council, and its staff</li> </ul>	<ul style="list-style-type: none"> <li>• Attendance of previous Kirton in Lindsey Town Council meetings prior to co-option.</li> </ul>