



# **Folkestone Town Council's Co-Option Policy**

*Adopted 15 March 2024 – Full Council – Minute 2052*

## **1.0 Introduction**

- 1.1 This policy sets out the procedure to ensure there is compliance with legislation and continuity of procedures in the co-option of members to Folkestone Town Council.
- 1.2 The co-option procedure is entirely managed by the Council, and this policy will ensure that a fair and equitable process is carried out.
- 1.3 The co-option of a town councillor occurs in two instances:
  - i) When an ordinary vacancy has arisen on a Parish/Town Council after the ordinary elections held every four years
  - ii) When a casual vacancy has arisen on a Parish/Town Council and no poll (by-election) has been called.
- 1.4 The Council is composed of seven wards: Folkestone Central, Folkestone Broadmead, Cheriton West, Cheriton East, East Folkestone, Folkestone Harbour and Harvey West Ward.

## **2.0 Ordinary vacancy**

- 2.1 An ordinary vacancy occurs when there are insufficient candidates to fill all the seats on a Parish/Town Council at the ordinary elections held every four years. Any candidates who were nominated are automatically elected to the Parish/Town Council and any remaining vacancies are known as "ordinary vacancies". Provided there are enough parish councillors to constitute a quorum, the Parish/Town Council is usually able to co-opt a volunteer to fill the vacancies.

## **3.0 Casual vacancy**

- 3.1 A casual vacancy occurs when:
  - A councillor fails to make his declaration of acceptance of office at the proper time
  - A councillor resigns
  - A councillor dies
  - A councillor becomes disqualified
  - A councillor fails for six (6) months to attend meetings of a council committee or sub-committee or to attend as a representative of the council a meeting of an outside body without a statutory excuse (Membership of the Armed Forces in time of War) or approval of the reason for absence by Council before the end of the period.

- 3.2 A Parish/Town Council has to notify the Borough/District Council of a casual vacancy and then advertise the vacancy and give electors for the ward the opportunity to request an election. This occurs when ten (10) electors write to the Borough/District Council stating that an election is requested.
- 3.3 If a by-election is called, a polling station will be set up by Folkestone & Hythe District Council and the people of the ward will be asked to go to the polls to vote for candidates who will have put themselves forward by way of a nomination paper. Folkestone Town Council will pay the costs of the election. The people of the ward have fourteen days (not including weekends, bank holidays and other notable days), to claim the by-election, but the Electoral Services Office of Folkestone & Hythe District Council will advise the Clerk of the closing date.
- 3.4 If more than one (1) candidate is then nominated, a by-election takes place but if only one (1) candidate is put forward they are duly elected without a ballot.
- 3.5 If ten (10) residents do not request a ballot within fourteen (14) days of the vacancy notice being posted, as advised by the Electoral Services Office, the Town Council is able to co-opt a volunteer.

#### **4.0 Confirmation of Co-Option**

- 4.1 On receipt of written confirmation from the Electoral Services Office that no by-election has been claimed, the casual vacancy can be filled by means of co-option.
- 4.2 The Clerk will:
- Advertise the vacancy for four weeks or such other period as the Town Council may agree on the Town Council notice boards and website
  - Advise Folkestone & Hythe District Council that the co-option policy has been instigated.
- 4.3 This procedure will also apply in the case of an ordinary vacancy where the Electoral Services Office has confirmed that there were insufficient nominations to fill all the seats but there are sufficient town councillors elected to constitute a quorum.

#### **5.0 Eligibility of Candidates**

- 5.1 The Town Council is able to consider any person to fill a vacancy provided that:
- They are 18 or over
  - They are a British citizen, a qualifying Commonwealth citizen or a citizen of any other member state of the European Union;

and at least one of the following apply:

- They are an elector for the Town and continues to be an elector

- Or has resided in the Town for the past twelve months or rented/tenanted land in the Parish
- Or has had his/her principal or only place of work in the Town for the past twelve months
- Or has lived within three miles of the Town for the past twelve months.

5.2 There are certain disqualifications for being a town councillor, of which the main are (see s80 of the Local Government Act 1972):

- Holding a paid office or employment under the Town Council,
- Bankruptcy
- Having been sentenced to a term of imprisonment (whether suspended or not) of not less than three months, without the option of a fine during the preceding five years
- Being disqualified under any enactment relating to corrupt or illegal electoral practices.

## **6.0 Applications**

6.1 We aim to encourage applications from anyone in the town who is eligible to stand.

6.2 Councillors or parishioners can approach individuals to suggest that they might wish to consider putting their names forward for co-option.

6.3 As a minimum, co-option vacancies will be advertised on the website and on the noticeboard. The advertisement for the co-option will include:

1. Method by which applications can be made, this will be in writing to the Clerk
2. The closing date for applications
3. Contact point for potential candidates to obtain more information – the Clerk
4. Advice that further information is available on request
5. A form to complete which includes asking the candidate why they would like to be a councillor; name; address and other contact details. When applications are received, the Clerk will confirm eligibility.

6.4 Any candidate found to be offering inducements will be disqualified.

6.5 Candidates will be requested to:

- Submit information about themselves, by way of completing a short application form – see Appendix A
- Confirm their eligibility for the position of town councillor within the statutory rules.

6.6 Following receipt of applications, the next suitable Full Council meeting will have an agenda item 'To receive written applications for the office of Town Councillor and to co-opt a candidate to fill the existing vacancy'.

6.7 Eligible candidates will be invited to attend the meeting.

- 6.8 Copies of the eligible candidates' applications will be circulated to all town councillors by the Clerk at least 3 clear days prior to the meeting of the Full Council, when the co-option will be considered.
- 6.9 All such documents must be treated by the Clerk and all town councillors as strictly private and confidential.

## **7.0 Co-Option**

- 7.1 All candidates will be sent a copy of the Full Council agenda.
- 7.2 At the Full Council meeting, candidates will be given five minutes maximum to introduce themselves to the town councillors (members), give information on their background and experience and explain why they wish to become a member of the Town Council. 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.
- 7.3 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 and request a dispensation to speak and vote.
- 7.4 Following the candidate presentations/addresses, members will proceed to a vote in the form of an anonymous ballot.
- 7.5 In order for a candidate to be co-opted to the 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 there is no candidate with an overall majority in the first round of voting the candidate with the least number of votes will drop out of the process. Further rounds of voting will then take place with the process repeated until a candidate has an absolute majority.
- 7.6 If there is more than one vacancy then each vacancy must be filled by a separate vote or series of votes.
- 7.7 The Mayor (or person presiding over the meeting) may vote, and if there is an equality of votes they may exercise their casting vote. The council's debate and vote on the co-option must be conducted in the public section of its meeting. It follows that the candidates, as members of the public, will be entitled to be present during the proceedings.
- 7.8 The ballot(s) will be counted by the Town Clerk, being observed by the Deputy Clerk (or other duly appropriate officer if they are unavailable).
- 7.9 If present, a candidate who is co-opted will sign a Declaration of Acceptance of Office, including an undertaking to abide by the Town Council's Code of Conduct, and may take office thereafter. If not present, a co-opted candidate

will sign the Declaration of Acceptance of Office either before or at the next meeting of the Town Council.

7.10 The new member should have received an agenda however the fact that they have not received a summons does not make their attendance as a councillor illegal. (Local Government Act 1972 Sch 12, para 10(3)). Where appropriate they will also be appointed to any council committee

7.11 The Clerk will notify Folkestone & Hythe District Council Electoral Services Office of the co-option of the new town councillor.

7.12 The co-opted town councillor will complete a Register of Interests form within 28 days of co-option.

7.13 If insufficient candidates are co-opted, the process should continue, whereby the vacancies are again advertised.

———— **POLICY ENDS HERE** ————



## Appendix A

### Folkestone Town Council's Co-Option Policy

#### Application Form for the role of Town Councillor on Folkestone Town Council

<b>Name:</b>	
<b>Address:</b>	
<b>Postcode:</b>	
<b>Contact Tel No:</b>	
<b>Email:</b>	
It is a condition of being a Councillor that your phone number and email address (official email address will be supplied) be made public via notice boards and website.	
<b>LEGAL QUALIFICATIONS FOR BEING A COMMUNITY COUNCILLOR</b>	
<p><b><i>To qualify you must be able to answer 'yes' to <u>at least</u> one of the questions below:</i></b></p> <ol style="list-style-type: none"><li>1. Are you a British citizen, a Commonwealth citizen or a citizen of a European Union Country? Yes/No</li><li>2. Are you 18 or over? Yes/No</li></ol> <p><b><i>To qualify you must also be able to answer 'yes' to <u>at least</u> one of the questions below:</i></b></p> <ol style="list-style-type: none"><li>3. Are you on the electoral register for Folkestone and Hythe? Yes/No</li><li>4. Have you lived either in Folkestone and Hythe or within 3 miles of its boundary, for at least a year? Yes/No</li><li>5. Have you been the owner or tenant of land in Folkestone and Hythe for at least a year? Yes/No</li><li>6. Have you had your only or main place of work in Folkestone and Hythe for at least a year? Yes/No</li></ol>	

## DISQUALIFICATIONS

***You must be able to answer 'no' to all the questions below to be eligible to serve as a Councillor:***

7. Are you the subject of a bankruptcy restrictions order or interim order? Yes/No
8. Have you within the last five years been convicted of an offence in the UK, the Channel Islands or the Isle of Man which resulted in a sentence of imprisonment (whether suspended or not) for a period of three months or more without the option of a fine? Yes/No

9. Please briefly outline why you are interested in being a Town Councillor:

10. Please 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.



11. Are there any questions you would like to ask the Council?

**Signed:**

**Dated:**

# **Supporting notes for applicants**

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## **2.0 Applications**

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