



LLANNON COMMUNITY COUNCIL

CO-OPTION POLICY

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Review Date: May 2026

Llannon Community Council

Co-Option Policy

Should a vacancy on the Council arise during its term of office, then the steps that should be followed to deal with this situation are relatively straightforward.

Essentially, they involve posting a formal notice of the vacancy in a prominent place in the ward/community, which must refer to the appropriate details as well as the right for electors to petition for a poll.

Normally, the Electoral/Returning Officer (at the appropriate unitary authority for the Council's area) will undertake the necessary tasks and procedures for this, and the Clerk is urged to liaise with that person as soon as possible.

The Electoral/Returning Officer will be the recipient of any petition for a poll and will also be the one organising an election should one be called.

If no election is called, then the Community or Town Council can move to a position where it can co-opt a member.

Note that following on from the Local Government (Wales) Measure 2011, you will need to **advertise (again)** the vacancy for co-option within the ward/community in question.

If the vacancy occurs within six months of the end of the term of office

The timing in relation to the next ordinary election of the Council can be relevant to these considerations. If the period of vacancy has six months or more to run, then the Council **must** fill the vacancy.

However, if the period of vacancy has less than six months to run, then the Council **may** fill the vacancy, but it is not obliged to do so.

Eligibility of candidates for election/co-option

The eligibility of candidates for election (or co-option) onto a local Council is defined in law, and any interpretation or judgement in respect of eligibility must be made based on this legal definition only – there is no option for candidates to be “rejected” for any other reason.

There are effectively four categories of eligibility to be a qualified candidate for election or co-option to a Community or Town Council: -

- the candidate is on the electoral register for the community in question.
- or has either during the whole of the twelve months before the day on which he is nominated as a candidate, or the day of the election, resided in the locality or within three miles of it
- or occupied as owner or tenant any land or premises therein or had his principal or only place of work there ..."

During the election process, the Electoral/Returning Officer will deal with the above regulations, whereas, during the process of co-option, it will be the Community or Town Council itself that has the responsibility of dealing with such matters (although, the Electoral/Returning Officer or the staff at the appropriate unitary council elections office will usually be happy to give advice on any difficult aspects that may arise).

Under no circumstances are existing members of a Council able to reject a candidate's eligibility based on hearsay or other factors.

It is important to remember that, in law, the onus is on the candidates themselves to judge whether they comply with one or more of the eligibility criteria and to indicate as such when completing a form for election.

The same responsibility arises when they apply to be co-opted onto a Council, although there is no specific duty placed upon them to put this in writing.

In short, during the process of co-option, members **cannot** "accept or reject" any candidate; they are merely able to choose between any/all of the eligible candidates before them.

The process is, in effect, an "internalised election", where the voters are the members themselves – and they cannot reject a valid candidate if there are no others to choose from.

If a potential candidate is clearly ineligible based on the legal criteria, the Council Clerk should normally advise the person of this fact and agree with them that their application is then withdrawn.

As Llannon Community Council is warded, the above eligibility criteria apply to the whole of the Council's area, and not the ward in which there might be a vacancy.

For example, a person seeking to become a member need only to live within (or within three miles of) the boundary of the (entire) community and not the specific ward itself, to be eligible.

Co-opting the replacement member

Usually, there will be just one vacancy to be dealt with, which is more straightforward, although on occasion there might be more than one vacancy occurring at the same time.

Advertise the vacancy or vacancies, as mentioned above, and seek expressions of interest from members of the community. Set a deadline and report to the next meeting of Council (put it onto the agenda).

Letters of introduction would be appropriate from each candidate, but any discussions relating to the individuals should be discouraged. (It is not usual to hold "interviews" for this purpose the process should be treated as an "internal election")

Depending on the number of candidates coming forward, the decision on co-option could be easy or complicated. The rules are explained in Charles Arnold-Baker (Eleventh Edition, section 6.15).

For example, if there are two vacancies and there are one or two candidates, they should be co-opted onto the Council.

The co-option needs to be formalised by a majority vote.

If there are more candidates, the first vacancy needs to be voted on first, followed by the second vacancy.

For each of the co-options, the vote (or series of votes) needs to establish a winning candidate with a majority of members voting for him/her.

That means over half of those members present voting.

If the vote results in no candidate with an overall majority, the candidate with the least number of votes needs to be withdrawn from the contest and another vote taken. (There are even rules that apply if there is more than one candidate with the "least" number of votes)

In summary, advertise the vacancy for co-option and at the next meeting present any candidate(s) to members; members vote for their preference and counting is done if necessary by elimination until one candidate receives over 50% of the votes.

Voting should be by a show of hands.

Ensuring that the replacement member is properly admitted.

All members must sign and abide by the acceptance of office and the Councillors' code of conduct.

Without signing up to these two items, then one is not legally a Councillor (that is, the office of Councillor will not have been fully taken up), and the rule about not being allowed to act as a Councillor also applies.