CYNGOR TREF
LLANFYLLIN
TOWN COUNCIL

CO-OPTION POLICY

LLANFYLLIN TOWN COUNCIL

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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 the 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 conducted.

Whenever the need for co-option arises Llanfyllin Town Council will seek and encourage applications from anyone in the Town who is eligible to stand as Town Councillor. Councillors or parishioners can legally approach individuals to suggest that they might wish to consider putting their names forward for co-option.

The Town Council will advertise the vacancies in the local area via the Town Council noticeboard, the Town Council website, local press releases and a media release if time allows.

The advertisement to co-opt will include:

- The method by which applications can be made.
- The closing date for all applications.
- A contact point to obtain more information.
- Show that further information is available electronically via the website.

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 his declaration of acceptance of office at the proper time.
- A councillor resigns.
- A councillor dies.
- A councillor becomes disqualified; or
- A councillor fails for six (6) months to attend meetings of a council committee or subcommittee or to attend as a representative of the Council a meeting of an outside body.

The Town Council must notify Powys County Council of a Casual Vacancy and then advertise the vacancy and give electors the opportunity to request an election. This occurs when ten (10) electors write to Powys Country Council stating that an election is requested.

If ten residents do not request a ballot within fourteen (14) days of the vacancy notice being posted, as advised by Powys County Council, the Town Council is able to co-opt a volunteer.

3 BY-ELECTION

If a by-election is called, Powys County Council will notify the Town Clerk. The Returning Officer will then decide on the date of the election, which must fall within 60 working days from the date of the Notice of Vacancy

A polling station will be set up by Powys County Council and the people of Llanfyllin will be asked to go to the polls to vote for those candidates who have put themselves forward by way of a nomination paper.

The Town Council will pay the costs of the election. The people of the Llanfyllin Town Council area will have fourteen days (not including weekends, bank holidays and other notable days), to claim the by-election, but the electoral officer will advise the Clerk of the closing date.

If more than one candidate is then nominated a by-election takes place but if only one candidate is put forward, they are duly elected without a ballot (no election takes place).

If a by-election is called, Powys County Council will notify the Town Clerk. The Returning Officer will then decide on the date of the election, which must fall within 60 working days from the date of the Notice of Vacancy.

3.1 Nomination Procedures

It is the responsibility of each individual candidate and not the clerk, to ensure that their papers are submitted to the Returning Officer before the deadline specified within the statutory election timetable.

3.2 Official Polling Cards

Where the poll at a Town election is not combined with another type of election, the Town Council may request the Returning Officer to issue poll cards for that election. A written instruction from the Clerk to the Elections Team must be received by 4pm on the day that the nomination period expires. Poll cards will be issued by second class post, unless a specific instruction for first class is received from the Clerk. The Town Council is responsible for the associated costs.

3.3 Insufficient Nominations Received at Close of Nominations

Where an election has been requested to fill a casual vacancy and there are an equal number of candidates to seats available, that person(s) is elected unopposed, and takes up office immediately after the close of withdrawals.

If there are no nominations, then a new poll date must be set by the Returning Officer, and the election will be re-run.

4 ELIGIBILITY OF CANDIDATES

Where no by-election is called, the Town Council can consider any person to fill a vacancy provided that:

- he/she is an elector for the community; or
- has resided in the community for the past twelve months or rented/tenanted land in the community; or
- had his/her principal place of work in the community; or
- has lived within three miles (direct) of the Ward boundary.

There are certain disqualifications for election, of which the main are (Local Government Act 1972):

- 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 five years preceding the election; and
- being disqualified under any enactment relating to corrupt or illegal practices.

The Clerk will confirm eligibility of the candidate(s).

All eligible candidates shall be invited, by letter, to attend the next full Town Council meeting following the application deadline. If candidates are unable to attend, this meeting will not be rearranged but still held on a normal council meeting date.

5 APPLICATIONS

To assist candidates Appendix A provides a guide of those criteria that the Town Council would expect from Town Councillors. This is not an exhaustive list but provides candidates with guidance on areas they may wish to include in their application forms.

Candidates will be requested to:

- Confirm their eligibility for the position of Councillor within the statutory rules, (a copy of the Eligibility Form is attached at Appendix B).
- Submit information about themselves, by way of completing a short application form (a copy of the application form is attached at Appendix C).

Following receipt of applications, the next suitable 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'.

Copies of the candidates' applications will be circulated to all Councillors by the Clerk at least [3] three clear days prior to the meeting of the full Council, when the co-option will be considered. If 3 days is not practicable, due to the timetable laid down by Powys County Council for co-opting, information will be circulated to allow sufficient time for Councillors to consider all applications. All such documents will be treated by the Clerk and all Councillors as Strictly Private and Confidential.

6 AT THE CO-OPTION MEETING

The candidates together before proceeding commence at the meeting will have the process explained to them. Each candidate will be asked to retire except for when they give their short presentation as below. When all candidates have completed their presentation, they will all be invited back into the meeting for the remainder of the proceedings.

After presentations, members may ask candidates a few questions.

At the co-option meeting, candidates will have five minutes to introduce themselves to members, give information on their background and experience and explain why they wish to become a member of the Town Council.

If a candidate is unable to attend the meeting, this process will still take place and voting will subsequently be based on this meeting and the application form (i.e. the candidate will have to rely on their application form).

The process will be conducted in the public session and there will be no private discussions between members prior to a vote being taken.

If a candidate is a relative of a Councillor, that Councillor should declare a prejudicial interest and withdraw from the meeting.

As soon as all candidates have finished giving their submissions, the council will proceed to a vote. The vote shall be by secret ballot.

There is no provision for a recorded vote.

For a candidate to be elected to the Council, it will be necessary for them to obtain an absolute majority of votes cast (50% + 1 of the votes available at the meeting) subject to the process set out above.

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.

Only Town Councillors present at the meeting may vote upon a person to fill the vacancy. Councillors will have one vote per vacancy to be filled. The Chair has the casting vote.

The Clerk will notify Electoral Services of the new Councillor appointment, initiate 'acceptance of office' paperwork and 'registration of interests' within 28 days of being elected.

If insufficient candidates come forward for co-option, the process should continue, whereby the vacancies are again advertised.

If there is more than one vacancy and the number of candidates equals the number of vacancies, all the vacancies may be filled by a single composite resolution. However, if the number of candidates exceeds the number of vacancies each vacancy must be filled by a separate vote or series of votes.

The Council is not obliged to fill all vacancies but must take steps to advertise for further co-options or hold an election (where applicable) to fill vacancies.

Any candidate(s) found to be offering inducements of any kind will be disqualified.

7 ELECTED COUNCILLORS (CO-OPTION)

Successfully co-opted candidates become Councillors in their own right, with immediate effect, and are no different to any other member.

Co-opted members will be asked to sign a Declaration of Acceptance of Office to agree to be bound by the Local Government Code of Conduct.

They may then take their seat at Council and are then able to be appointed to a committee and/or as a representative to local organisations.

Any application can be considered in a candidate(s) absence, but if successful, members would need to agree for him/her to sign the Declaration of Office either before or at the next Council meeting.

8 APPLYING FOR A CASUAL VACANCY

Candidates who are interested in applying for a casual vacancy need not wait until the notice appears (co-option, stage 2) or its time limit expired. Candidates can write to the Town Council directly expressing their interest in the casual vacancy and request it considers their application when it has authority to co-opt for the vacancy.

9 EQUALITY

The Council will consider any person with a disability including dyslexia and will ensure that provision is made at Council Meetings for such members.

APPENDIX A : CO-OPTION CRITERIA

Name of Local Council: Llanfyllin Town Council

Description of Office: Llanfyllin Town Councillor

Competency	Essential	Desirable
Experience, Skills, Knowledge, and Ability	▪ Solid interest in local matters ▪ Ability and willingness to represent he Council and the community ▪ Good people skills. ▪ Ability to communicate clearly both orally and in writing ▪ Ability and willingness to collaborate closely with other members and to maintain good working relationships with all members and staff ▪ Proficient reading and analytical skills ▪ Ability and willingness to collaborate with the Council's Partners e.g. voluntary groups, other councils, charities, and the principal authority. ▪ Ability to work under pressure	▪ Knowledge of HR, procurement, contract management, financial control, risk management or public relations. ▪ Experience of working in another public body or not for profit sector. ▪ Experience of working with voluntary and/or local community interest groups. ▪ Basic knowledge of legal issues relating to Town Councils or local authorities. ▪ Experience of delivering presentations. ▪ Experience in financial control/budgeting. ▪ Experience of staff management.
Other	▪ Sound knowledge and understanding of local affairs and the community ▪ Ability and willingness to attend Council Meetings (or the meetings of other local authorities/local bodies). ▪ Flexible ▪ Enthusiastic	

APPENDIX A : CO-OPTION ELIGIBILITY FORM

To be completed by each candidate:

Name	

Are you a British subject, citizen of the Commonwealth or citizen of the European Union?	Yes/No
On the 'relevant date' (i.e., the day on which you are nominated or if there is a poll the day of the election) are you 18 years of age or over?	Yes/No

Please tick those that apply:

I am registered as a local government elector for the Town Council area of Llanfyllin;	
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 town Council boundary of Llanfyllin;	
My principal or only place of work has, during the whole twelve months preceding my co-option, been in the Town Council area of Llanfyllin;	
I have during the whole of twelve months preceding my co-option lived in the Town Council boundary of Llanfyllin or within three miles of it. (taken from the property to the nearest boundary of the Town Council Ward	

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 specific criteria are not met:

If you are an employee of Llanfyllin Town Council, do you agree to resign with immediate effect on the result of the election or co-option?	Yes/No
Are you the subject of a bankruptcy restrictions order or interim order?	Yes/No
Have you within the last five years been convicted of an offence in the UK, Channel Islands or 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
Are you disqualified by order of a court from being a member of a local authority?	Yes/No

Declaration

I ..... hereby confirm that I am eligible for the vacancy of Llanfyllin Town Councillor, and the information given on this form is a true and accurate record.

Signed: ----------

Print: ----------

Date: ----------

APPENDIX C : CO-OPTION APPLICATION FORM

Name		Telephone	
Address		Email	

Please tell us something about what experience you can bring to Town Council, for example, previous local government experience, work in the voluntary or charitable sector, business, or trade union experience

Please tell us something about skills you can bring to the Council, for example, professional qualifications, financial or project management expertise

Please explain why you are interested in becoming a Town Councillor

Please include any other information you would like to add in support of your application?

Signed: ----------

Print: ----------

Date: ----------