

Co-Option policy

1. Introduction

1.1. There are two circumstances under which the Electoral Officer of Monmouthshire County Council (hereby referred to as MCC) will notify Mathern Community Council that it may, if it wishes, proceed to fill a casual vacancy by co-option:

- a) When a ward seat has been left vacant because no eligible candidate stood for election at the full elections of a new council (currently at five-yearly intervals). In this instance the Clerk would be notified of vacancies by MCC and that efforts must be made to fill the vacancies by co-option. The Council will be notified and they will decide if they wish to proceed to Stage 2
- b) During the life of a council when a ward seat has fallen vacant (because of resignation, death or ineligibility). The Clerk will immediately notify the Electoral officer and the vacancy will be advertised. If the required 10 electorals of the ward have not called 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 MCC and the vacancy can be filled by co-option. The Council will be notified and they will decide if they wish to proceed to Stage 2 *within 28 days or wait a period of 6 months before proceeding.*

1.2. The council is not obliged to co-opt 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.

1.3. However, it is not desirable the electors in a particular 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.

1.4. The electoral area of Mathern 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 Council will be notified by the Electoral Authority after the election that it may proceed to fill any remaining vacancies by co-option.

1.5. Councillors elected by co-option are full members of the council.

To ensure that a fair and transparent process is undertaken this policy sets out the process to be followed by Mathern Community Council when co-option is under consideration.

2. Application Process to be followed

2.1 On receipt, of written notification for the Electoral officer at MCC, that a casual vacancy may be filled

by means of co-option: and on instruction from the council

- a) The Clerk will announce the vacancy to be filled by co-option within 21 days of receipt of the written notification by means of displaying a Notice on the Council Noticeboard and website. A copy of the Notice will also be sent to the local press.
- b) The co-option Notice will include the closing date for acceptance of requests for consideration (between 14 and 30 days after the date of the display) and the number of vacancies.
- c) The co-option notice will also be displayed in other locations if instructed by the Council.
- d) The Clerk will advise the council when the co-option policy has been instigated, by sending an email to all councillors.

2.2 Members may point out the vacancies and the process to any qualifying candidate.

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.

The applicant must meet at least one of the following qualifications

- a) Is on the electoral register anywhere in the community
- b) Has lived in or within the 3 miles of the town for the previous 12 months
- c) Owns, rents occupy or otherwise has right of occupation of land in the town
- d) Works in the town

2.5 Although there are no Statutory requirements to do so, Applicants for co-option will be asked to:

- a) submit information about themselves, via a written summary covering: their reasons for wishing to be a councillor; any 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 to *Appendix 1*) and will be verified by the Clerk.

2.6 Copies of the applicants written summary will be circulated to all the Councillors by the Clerk with the agenda papers 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 the councillors in accordance with GDPR requirements.

2.7 Candidates will be sent a full agenda of the meeting at which they are to be considered for appointment, together with a copy of the Code of Conduct, Standing Orders and Financial

Regulations of the council. Candidates will also be informed that they may, if they so wish, speak for up to 3 minutes about their application during the Public session of the Council meeting.

- 2.8** Applicants can withdraw not later than 24 hours prior to the meeting where the co-options are to be considered.

3 Voting Procedure

- 3.1** At the appropriate business item Councillors will proceed direct to voting.

- 3.2** Voting will be according to the statutory requirements, in that a successful candidate must receive a majority over those present and voting.

a) If there are more than two candidates for one vacancy and no one of them at the first count receives a majority over the other 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.

b) This process will, if necessary, be repeated until a majority is obtained.

c) This process will be followed separately for each individual vacancy for which co-option is under consideration.

d) If no candidate secures an absolute majority of votes cast for an individual vacancy, then that vacancy remains unfilled (e.g. 15 councillors are present and 8 abstain from voting then there is no absolute majority)

- 3.3** Councillors shall vote by show of hands, or if at least two members so request, by paper ballot. However, if any member so requires, the Clerk shall record the names of members who voted on any question so as to show whether they voted for, against or abstained.

- 3.4** In the case of an equality of votes, the Chairman of the meeting has a second casting vote.

- 3.5** After the vote has been concluded, the Chairman will declare the successful candidate duly elected and after signing their declaration of acceptance of Office may take their seat immediately.

4 Acceptance of Office

The successful candidate must sign their Declaration of Acceptance of Office before they can act as a councillor. The Register of Interest must be completed within 28 days and the Town Clerk will forward a copy to the Monitoring Officer.

5 Review

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

Co-option Eligibility Form

1. In order to be eligible for co-option as a Mathern Community Councillor you must be a British subject, or a citizen of the Commonwealth; 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:
 - a) I am registered as a local government elector for Mathern Mounon or Pwllmeric.
 - b) I have, during the whole of the 12 months preceding the date of co-option, occupied as owner or tenant, land or other premises in the town of Mathern Mounon or Pwllmeryic
 - c) My principle or only place of work during those 12 months has been in the community of Mathern, Mounon or Pwllmeryic.
 - d) I have during the whole of 12 months resided within 3 miles of the Community.

Please circle which of the above applies to you

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 local council (other than the office of Chairman) or of a joint committee on which the Council is represented;
 - b) Is a person who has been adjudged bankrupt or has made a composition or arrangement with his/her creditors (but see below*)
 - c) Has within 5 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 3 months without the option of a fine;
 - d) Is otherwise disqualified under Part III of the representation of the People Act 1983 for corrupt or illegal practices.

* This qualification for bankruptcy ceases in the following circumstances:

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- 1) 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.
- 2) If the person is discharged with a certificate that the bankruptcy was caused by misfortune without misconduct on his/her part:
- 3) If the person is discharged without such a certificate

In (1) and (2) above, the disqualification ceases on the date of the annulment and discharge respectively. In (3), it ceases on the expiry of 5 years from the date of discharge.

MATHERN COMMUNITY COUNCIL

I (*insert name*) _____ hereby confirm,

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

Signed _____ Dated _____

WARD _____

Produced July 2020 Adopted