

CO-OPTION GUIDANCE NOTE

The Power to Co-Opt

1. Where an insufficient number of persons are validly nominated to fill the vacancies at an ordinary election of Community Councillors or when a Casual Vacancy arises and no election is called, the Community Councillors may co-opt to fill the unfilled vacancies, provided the number of Community Councillors meets the quorum requirements (i.e. at least 3 or one third of the whole number of Community Council seats have been filled).

In the year of an election this power may be exercised at any time after the newly elected Community Councillors take up office. There is no deadline as such, but if the Community Council does not co-opt to fill all vacancies within 7 weeks from the day of the election, then the County Council has power to step in – please see point 18 below.

Public Notice

2. Public notice must be given of the co-option opportunity.
3. The public notice must contain
 - a. contact details of an individual from whom further information about the vacancy or vacancies in question and the process for selecting a person for co-option, may be obtained from the Clerk to the Council; and
 - b. any other information which members of the Community Council consider appropriate (e.g. information about the work of the Community Council). (NB. the Welsh Ministers have power to stipulate additional information to be included in the notice).
4. The eligibility (qualification) requirements which apply to those standing for election apply equally to any person who is to be co-opted and are set out in the Notice.
5. A deadline date will be set for expressions of interest and/or applications to be submitted.
6. The general rules for local authority public notices apply, i.e. the notice must be given:
 - a. by posting the notice in on DWRCC notice boards;
 - b. by publishing the notice electronically on the DWRCC website; and
 - c. in any other manner which DWRCC may consider to be desirable for giving publicity to the notice: e.g. by giving notice to local community groups. It is best practice for the co-option opportunity to be advertised widely and particularly to give notice to any groups who are under-represented on the council.

Selection Process

7. Applicants may wish to submit a short, written application including reasons why they want to become a councillor, what skills and experience they can contribute and any areas of special interest. All applicants will be provided with the same information about the selection process and will be treated equally. It is important that the selection process is seen to be fair and open. Applicants will be discouraged from any personal lobbying.

Community Council Decision

8. Notice of the Co-Option will be given in the agenda for a meeting of the Community Council.
9. When the item is reached, the Chairman will call for nominations, which should be duly proposed and seconded.
10. Candidates may be invited to speak briefly to the Community Council meeting.
11. When all nominations and submissions have been received, a vote will be taken. Candidates' names will be put in alphabetical order for the vote.
12. A successful candidate must have received an absolute majority vote of those present and voting. It follows that if there are more than two candidates for one vacancy and no one of them at the first count receives a majority over the aggregate votes given to the rest, steps should be taken to strike off the candidate with the least number of votes and the remainder should then be put to the vote again; this process should, if necessary, be repeated until an absolute majority is obtained.
13. 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, but if the number of candidates exceeds the number of vacancies, each vacancy should be filled by a separate vote or series of votes (as above).
14. After the vote has been taken, the Chairman will declare the candidate/s who received the highest number of votes duly appointed.

After Co-Option

15. The person/s appointed (co-opted) must make a Declaration of Acceptance of Office before, or at, the first meeting of the Community Council following his/her appointment in the presence of a member of the Community Council or the Proper Officer of the Community Council.
16. The term of office of the co-optee is the same as the elected Members (i.e. until the 4th day after the next ordinary election).
17. The name and address of the person/s co-opted should be sent to the Returning Officer for Caerphilly.

County Council Powers

18. If the Community Council fails to fill the vacancies within 35 working days (or 7 weeks) from the day of the election, or if the Community Council is unable to act because it is inquorate, the County Council has powers to make temporary appointments, order an election or do anything else considered necessary to properly constitute the Community Council.

[The relevant legislation is set out in section 21 of the *Representation of the People Act 1985* (insufficient nominations); *Local Government Act 1972*, sections 79 and 80 (Member qualification rules), section 232 (general provisions regarding public notices), and Schedule 12 paragraph 28 (quorum requirements); section 116 of the *Local Government (Wales) Measure 2011* (public notice of co-option); section 39 *Representation of the People Act 1983* and section 91 *Local Government Act 1972* (powers of the County Council).]

Casual Vacancy Process Flowchart

