



Cyngor Dinas Llanelwy St Asaph City Council

Co-option Policy

1. Background

- 1.1 This policy covers the procedures to be followed by the City Council where a vacancy is to be filled by co-option.

2. Legal References

- Local Government Act 1972 ss 80A, 87 & Schedule 12, para 39;
- Local Government (Wales) Measure 2011 s116;
- Representation of the People Act 1985 s 21(2)a.

3. Following an Election

- 3.1 The City Council may co-opt a person to fill a vacancy in the membership of the Council in the event of insufficient nominations to fill vacancies in respect of which an election is held. After a period of 35 days, Denbighshire County Council will notify the City Council that they may co-opt new members to fill the vacancies.

4. Casual Vacancies

A casual vacancy can occur:

- 4.1 Following the resignation of a Member. Resignations from the council must be made in writing to the Mayor. When the Mayor resigns they serve the resignation in writing on the Clerk. Resignations are effective immediately on receipt by the Mayor or Clerk and cannot be post-dated or withdrawn.
- 4.2 If a member fails to attend any meeting of the council for 6 months, without a reason for absence being formally accepted by the council, they automatically cease to be a member of the council.
- 4.3 If a member dies;
- 4.4 Where a local councillor fails to make and deliver to the Clerk, their declaration of acceptance of office within the proper time;
- 4.5 Where a councillor ceases to be qualified or becomes disqualified for any reason.

5. Notice of a Vacancy

- 5.1 Following receipt of a resignation or confirmation of a casual vacancy for any other reason the Clerk must inform Denbighshire County Council as soon as practicable.

- 5.2 A notice of casual vacancy will then be issued by the Clerk and will be displayed on the Council's noticeboard, and on the Council website. A notice of casual vacancy allows for ten people on the electoral register to request an election, in writing to the returning officer at Denbighshire County Council within fourteen working days. Should this happen, a by-election must be held (unless an ordinary election is due within six months).
- 5.3 If no request to hold a by-election is forthcoming, the City Council is permitted to exercise the power to co-opt a person onto the Council to fill a casual vacancy.
- 5.4 If an election has been requested with respect to a casual vacancy, it is no longer permissible to fill the vacancy by co-option even if the initial poll does not result in any person being nominated for election.

6. Advertising the vacancy

- 6.1 The Clerk will post a notice on the Council noticeboard and on the website seeking expressions of interest. The notice will be in the format provided – see attached. Any person interested in the vacancy will be asked to contact the Clerk for further details.
- 6.2 Councillors may approach persons to offer themselves for co-option or even advertise for co-optee applicants. Applicants will be asked to express their interest in writing in accordance with section 7. below. Applicants under such arrangements are to be discouraged from any personal lobbying and must be treated equally with all other applicants.

7. Expressions of interest

- 7.1 Those who are interested in the vacancy will be asked to complete an expression of interest application form.
- 7.2 Candidates may be requested to attend the Council meeting at which co-option is to be considered in order to address Council. The time allotted to each candidate will be three minutes. This may be varied, should the Council so decide.
- 7.3 No applications may be accepted after the closing date.
- 7.4 Should there still be vacancies after Co-option has been considered, Council may decide to consider further applications (including those received after the closing date - 7.2 above) at a future meeting of the Council.
- 7.5 All applications must be sent to Councillors at least three clear days before the meeting at which they are to be considered.
- 7.6 Contact details will be redacted from all applications before they are sent to Councillors.

8. Co-option Procedure

- 8.1 Following the closing date, co-option will be included on the agenda for the next Council meeting.
- 8.2 When the agenda item is reached, the Mayor will call for nominations, which should be duly proposed and seconded. The prospective candidates must

fulfil the same requirements as those for qualification for candidature for election.

- 8.3 When all nominations have been received a vote should be taken, which must be in public, but can be by signed ballot. Signed ballots should be handed to the Clerk and verified by the Mayor, thus allowing any member to request a recorded vote. (Standing order 8a. and 8d. refers).
- 8.4 Any ballot paper will list the candidates in alphabetical order.
- 8.5 A successful candidate must have received an absolute majority vote of those present and voting.
- 8.6 If there are more than two candidates for one vacancy and no one of them receives a majority over the aggregate votes given to the rest:
 - i. The Clerk will strike off the candidate with the least number of votes;
 - ii. The remainder should be put to the vote again;
 - iii. This process will be repeated until an absolute majority is obtained.
- 8.7 If there is more than one vacancy and the number of candidates equals the number of vacancies, 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.
- 8.8 After the vote has been taken, the Mayor will declare the candidate who received the highest number of votes duly co-opted.
- 8.9 The person co-opted must make a declaration of acceptance of office before or at the first meeting of the City Council following his co-option in the presence of the Clerk or a Member of the City Council.

9. Term of Office

- 9.1 A person co-opted to fill a casual vacancy holds office until the person in whose place they are elected or appointed would regularly have retired.

10. After the Co-option

- 10.1 The person co-opted must make a declaration of acceptance of office, see 8.9 above;
- 10.2 The Clerk will notify Denbighshire County Council of the new Councillor(s).
- 10.3 The Clerk will issue the new Member(s) with an induction pack.

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