

TONYREFAIL & DISTRICT COMMUNITY COUNCIL

PROCEDURE FOR CO-OPTION AND APPLICATION FORM

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1. Introduction

1.1 This policy sets out the procedure to ensure compliance with legislation and continuity of procedures in the co-option of members to Tonyrefail & District Community Council (TCC). The co-option procedure is entirely managed by TCC and this policy will ensure that a fair and equitable process is carried out.

1.2 The co-option of a Community 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 their declaration of acceptance of office at the proper time,
- A Councillor resigns,
- A Councillor dies,
- A Councillor becomes disqualified, or
- A Councillor fails to attend meetings of the council, council committee or subcommittee, or to attend as a representative of the Council a meeting of an outside body for six (6) months.

TCC must notify the County Borough Council of a Casual Vacancy and then advertise the vacancy, giving electors the opportunity to request an election. This occurs when ten electors write to the Borough Council stating that an election is requested.

1.3 If a by-election is called, a polling station will be set up by the Borough Council and the electors of the ward will be asked to go to the polls to vote for candidates who will have put themselves forward by way of a nomination paper. TCC will pay the costs of the election.

1.4 If ten electors do not request a ballot within fourteen days of the vacancy notice being posted, the Borough Council will instruct TCC to fill the vacancy through co-option.

2. Co-option Procedure

2.1 Upon receipt of written confirmation from the Electoral Services office of the Borough Council that the vacancy may be filled by means of co-option, the Clerk will:

- Advertise the vacancy on the Council website, noticeboard and via social media for a period of four weeks,
- Advise the Council that the Co-option Procedure has been instigated.

2.2 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,
- Details of further information that is available electronically; to include application forms and information about the roles and responsibilities of the Council.

2.3 Existing members may point out the vacancies and the process for applying to any qualifying candidate(s).

2.4 The eligibility of the candidate(s) will be confirmed by the Clerk.

2.5 All eligible candidates will be invited, by e-mail or letter, to attend the next Full Council meeting following the application deadline. If candidates are unable to attend, this meeting will not be rearranged. The co-option will still take place and voting on this vacancy will be subsequently based on this meeting and the candidate application form.

2.6 All members will receive copies of candidate applications in advance of the Full Council meeting following the application deadline. Candidate names may be displayed on the agenda of the meeting at which the co-option voting will occur. No other details apart from the candidates' names will be displayed. Candidate applications are strictly confidential.

2.7 An agenda item will be set aside for candidates to make a brief verbal presentation to members, outlining their relevant skills and experience. Each candidate in turn (alphabetically by surname) will be invited to speak for a maximum of three minutes. After presentations, members may ask questions.

2.8 If one or more candidates are unable, for bona fide reasons, to attend the meeting, members will proceed straight to the vote without any candidate being allowed to address the members. The decision as to whether to accept the candidate's reasons for not attending the meeting shall be made by the Clerk and that decision is final.

2.9 The Chair will then request those members present to nominate any or all of the candidates for co-option. Candidates will require a proposer and seconder to progress to the voting stage. Voting will be by a show of hands.

2.10 A successful candidate must have received an absolute majority vote by those members present. If there are more than two candidates for one vacancy and not one of them at the first count receives a majority over the aggregate votes given to the rest, the candidate with the fewest votes is struck off and the remainder must be put to the vote again. This process must, if necessary, be repeated until an absolute majority is obtained. In the case of an equality of votes in the final round of voting, the Chair has the casting vote.

2.11 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 must be filled by a separate vote or series of votes.

- 2.12 The Council is not obliged to fill all vacancies but must take steps to advertise for further co-options.
- 2.13 Successfully co-opted candidates become Councillors in their own right with immediate effect, and are no different to any other member.
- 2.14 The co-opted members will be asked to sign a Declaration of Acceptance of Office to agree to be bound by the Code of Conduct. They may then take their seat at Council.
- 2.15 Any application can be considered in the candidate's absence but if successful, members would need to agree for them to sign the Declaration of Acceptance of Office either before or at the next meeting.
- 2.16 The Clerk will notify the County Borough Council's Electoral Services of the new Councillor appointment and advise the new Councillor that they should complete their Register of Member's Interests within twenty-eight days of being appointed.
- 2.17 As soon as practicable following their co-option, members will be invited to attend appropriate training.

3. Eligibility for being a Councillor

3.1 You must be over 18 years old and

- Be a British, Commonwealth or European Union citizen, and
- Be registered as a local government elector for the ward in which you wish to stand from the day of your nomination onwards, or
- For the whole on the twelve months prior to the date of the co-option either
 - Have resided in the locality or within three miles of it, or
 - Have occupied any premises or land as owner or tenant therein, or
 - Had your principal or only place of work there (such work need not be paid but must be substantial).

3.2 You are disqualified from being a Community Councillor if:

- You hold any paid office, employment or other place of profit in the gift or disposal of Tonyrefail & District Community Council or any committee or subcommittee thereof, or
- You are subject to a Bankruptcy Restrictions Order or an interim order, or
- You have within five years before the co-option or since been convicted in the UK, Channel Islands or Isle of Man of any offence and been sentenced to imprisonment (suspended or not) for not less than three months without the option of a fine, or
- You are convicted of offences involving corrupt or illegal practices under Part III of the Representation of the People Act 1983, or
- You have been disqualified from standing for election to a local authority following a decision of the Adjudication Panel for Wales.

3.3 Candidates found to be offering inducements of any kind will be disqualified.

TONYREFAIL & DISTRICT COMMUNITY COUNCIL

Application for Co-Option

Thank you for your interest in becoming a Community Councillor. All applicants must complete this form and return it to the Clerk at the address below with the signed declaration.

Full Name / Title:	
Home Address:	
Postcode:	
Telephone:	
e-mail Address:	
Please provide the Council with some background information about yourself.	
Please tell us your reasons for wishing to become a Community Councillor?	
What is your perception of the role of a Tonyrefail Community Councillor?	

Are there any factors, other than exceptional circumstances, that might prevent you from regularly attending the monthly Full Council and Committee Meetings?
Are there any local issues that you are particularly interested in that you believe could be of benefit to the wider community?
What are your hobbies/interests?

PLEASE ANSWER THE YES / NO QUESTIONS CAREFULLY AS THEY SET OUT THE LEGAL QUALIFICATIONS FOR BEING A COMMUNITY COUNCILLOR

QUALIFICATIONS

Are you a British, Commonwealth or European Union citizen? Yes / No

Are you 18 or over? Yes / No

(You only need one of the following four qualifications but please say Yes to all that apply)

Are you on the electoral register for the ward? Yes / No

Have you lived either in the ward, or within three miles of its boundary, for at least a year?
Yes / No

Have you been the owner or tenant of land in the ward for at least a year? Yes / No

Have you had your only or main place of work in the parish for at least a year? Yes / No

DISQUALIFICATIONS

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, the Channel Islands or the 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 have read the conditions for becoming a Community Councillor and confirm that I am qualified to be considered for co-option.

Print Name: _____

Signed: _____ Date: _____

Please return this signed and completed form to the Clerk by the advertised deadline.

The Clerk
Tonyrefail & District Community Council
Trane Cemetery
Gilfach Road
Tonyrefail
CF39 8HL

e-mail: clerk@tonyrefail-cc.gov.wales

telephone: 01443 673991