



CO-OPTION POLICY

Approved by Council:

December 2024

Date to be Reviewed:

May 2025

Co-option to a Casual Vacancy Policy

In the event no election is called to fill a Councillor vacancy for Offa Community Council, the Council may co-opt membership to the Community Council in accordance with legislation defined in the Local Elections (Communities and Communities) (England and Wales) Rules 2006, the Representation of the People Act 1983, the Localism Act 2011 and the Local Government Act 1972. The Community Council will follow a process which is fair, open and transparent and in compliance with the Equality Act 2010

Consideration will also be given to advice and guidance provided by bodies such as the National Association of Local Councils (NALC), the Society of Local Council Clerks (SLCC) and One Voice Wales (OVW).

1. Introduction

- 1.1 This policy sets out the procedure to ensure there is compliance with legislation and continuity of procedures in the co-option of members to Offa Community Council.
- 1.2 The co-option procedure is entirely managed by the Council, and this policy will ensure that a fair and equitable process is carried out.
- 1.3 The co-option of a Community Councillor occurs in two (2) instances:-
 - 1.3.1 When an ordinary vacancy has arisen on a Community Council after the ordinary elections held every five (5) years,
 - 1.3.2 When a casual vacancy has arisen on a Community Council and no poll (by-election) has been called.
- 1.4 The Council is composed of four (4) wards:-
 - Brynffynon
 - Erddig
 - Hermitage
 - Offa

2. Ordinary Vacancy

- 2.1 An ordinary vacancy occurs when there are insufficient candidates to fill all the seats on a Community Council at the ordinary elections held every five (5) years. Any candidates who were nominated are automatically elected to the Community Council and any remaining vacancies are known as "ordinary vacancies". Provided there are enough Community Councillors to constitute a quorum, the Community Council is usually able to co-opt a volunteer to fill the vacancies.

3. Casual Vacancy

- 3.1 In accordance with the Local Government Act 1972, a casual vacancy occurs when:-
- A Councillor fails to make their declaration of acceptance of office with the proper time,
 - A Councillor resigns,
 - A Councillor dies,
 - A Councillor becomes disqualified,
 - A Councillor fails for six (6) months to attend meetings of a council committee, sub-committee or to attend as a representative of the Council a meeting of an outside body.
- 3.2 A Community Council has to notify the County Borough Council, Wrexham, of a casual vacancy and then advertise the vacancy and give electors for the ward the opportunity to request an election. This occurs when ten (10) electors write to the County Borough Council stating that an election is requested.
- 3.3 If a by-election is called, a polling station will be set up by Wrexham County Borough Council and the people 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. Offa Community Council will pay the costs of the election. The people of the ward have fourteen (14) days (not including Saturdays, Sundays, Christmas Eve, Christmas Day, Maundy Thursday, Good Friday, a Bank Holiday and any day of public thanksgiving or mourning), to claim the by-election, but the Electoral Services Office of Wrexham County Borough Council will advise the Clerk of the closing date.
- 3.4 If more than one (1) candidate is then nominated, a by-election takes place but if only one (1) candidate is put forward they are duly elected without a ballot.
- 3.5 If ten (10) residents do not request a ballot within fourteen (14) days of the vacancy notice being posted, as advised by the Electoral Services Office of Wrexham County Borough Council, the Community Council is able to co-opt a volunteer.

4. Confirmation of Co-Option

- 4.1 On receipt of written confirmation from the Electoral Services Office that no by-election has been claimed, the casual vacancy can be filled by means of co-option. Bilingual notices will be published to advise the public of a co-option for a minimum of four weeks.
- 4.2 This procedure will also apply in the case of an ordinary vacancy where the

Electoral Services Office at Wrexham County Borough Council has confirmed that there were insufficient nominations to fill all the seats but there are sufficient Community Councillors elected to constitute a quorum.

5. Eligibility of Candidates

5.1 The Community Council is able to consider any person to fill a vacancy provided that:

- They are 18 years old or over
- They are a British citizen or qualifying commonwealth citizen;

And, at least one of the following apply:-

- They are an elector for the Community and continues to be an elector,
- Or has resided in the Community for the past twelve (12) months or rented/tenanted land in the Community,
- Or has had their principal or only place of work in the Community for the past twelve (12) months,
- Or has lived within three (3) miles (4.8km) of the Community for the past twelve (12) months.

5.2 In accordance with the Local Government Act 1972, there are certain disqualifications for being a Community Councillor which are:-

- Holding a paid office or employment under the Community Council,
- Bankruptcy or interim order,
- 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 preceding five years,
- Being disqualified under any enactment relating to corrupt or illegal electoral practices,
- Being convicted for failure to register or declare disclosable interests under the Localism Act 2011

6. Applications

6.1 Candidates will be requested to:

- Submit information about themselves, by way of completing a short application form,
- Confirm their eligibility for the position of Community Councillor within the statutory rules.

6.2 Following receipt of applications, the next suitable Council meeting will have an agenda item 'To receive written applications for the office of Community Councillor and to co-opt a candidate to fill the existing vacancy'.

6.3 Eligible candidates will be invited to attend the meeting.

6.4 Copies of the eligible candidates' applications will be circulated to all Community Councillors by the Clerk at least three (3) clear days prior to the meeting of Council, when the co-option will be considered.

- 6.5 All such documents will be treated by the Clerk and all Community Councillors as strictly private and confidential.

7. Co-Option

- 7.1 At the Council meeting, candidates will be given five (5) minutes maximum to introduce themselves to the Community Councillors, give information on their background and experience and explain why they wish to become a member of the Community Council. The process will be carried out in the public session and there will be no private discussions between Members prior to a vote being taken. However, where the Community Council is discussing the merits of candidates and inevitably their personal attributes, this could be prejudicial, and the Community Council should resolve to exclude the members of the press and public.
- 7.2 Following the candidate presentations/addresses, members will proceed to a vote in the form of an anonymous ballot.
- 7.3 In order for a candidate to be co-opted to the Community Council, it will be necessary for them to obtain an absolute majority of votes cast (50% + 1 of the votes available at the meeting). If there are more than two (2) 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. If there is no successful candidate (e.g. if one applicant, but fails to receive a majority of support for their candidacy) the vacancy will be advertised again and the co-option process repeated (as per this policy) until a candidate is successfully co-opted to Council (or until the vacancy is filled by normal election)
- 7.4 Further rounds of voting will then take place with the process repeated until a candidate has an absolute majority. In the event of a tied ballot, the Chair has the casting vote.
- 7.5 Where there is more than one ward in consideration for co-option, ballots will be held in ward alphabetical order. A co-option applicant can indicate on their application which ward (or all wards) they wish to be considered for and may, if unsuccessful in preceding ballots, be included in later ballots (based on ward alphabetical order).
- 7.6 The ballot(s) will be counted by the Clerk, being observed by an independent party.
- 7.7 If present, a candidate who is co-opted will sign a Declaration of Acceptance of Office, including an undertaking to abide by the Community Council's Code of Conduct, and may take office thereafter. If not present, a co-opted candidate will sign the Declaration of Acceptance of Office either before or at the next meeting of the Community Council.
- 7.8 The Clerk will notify the Electoral Services Office at Wrexham County Borough Council of the co-option of the new Community Councillor.
- 7.9 The co-opted Community Councillor will complete a Register of Interests form.
- 7.10 If insufficient candidates are co-opted, whereby the vacancies are again advertised and the process is repeated.

ANNEX 1: CO-OPTED COUNCILLOR PERSON SPECIFICATION

This table suggests essential and desirable skills for candidates of the casual vacancy.

Competency	Essential	Desirable
Personal Attributes	<ul style="list-style-type: none"> • Sound understanding and knowledge of local affairs, and the local community • Forward thinking 	<ul style="list-style-type: none"> • Can bring a new skill, expertise or key local knowledge to the Council
Experience, Skills, Knowledge and ability	<ul style="list-style-type: none"> • Ability to listen constructively • A good team player • Ability to pick up and run with a variety of projects • Solid interest in local matters • Ability and willingness to represent the Council and their community • Good interpersonal skills and able to contribute opinions at meetings whilst willing to see the views of others and accept the majority decisions • Ability to communicate succinctly and clearly • Ability and willingness to work closely with other members and to maintain good working relationships with members and staff • Ability and willingness to work with the Council's partners (e.g. voluntary groups, other Community Councils, Principle Authorities and Charities) 	<ul style="list-style-type: none"> • Experience of working or being a member in a Local Authority or other public body • Experience of working with voluntary or local community / interest groups • Basic knowledge of legal issues relating to Town and Community Councils or Local Authorities • Experience of delivering presentations

	<ul style="list-style-type: none"> • Ability and willingness to undertake indication training and any other relevant training 	
Circumstances	<ul style="list-style-type: none"> • Ability and willingness to attend meetings of the Council (or meetings of other local authorities and local bodies) at any time as well as events and in the evening and at weekends 	

NOTE: The above specification is purely a guide to indicate some form of suitability and cannot be used as a measure to exclude a candidate

ANNEX 2: CASUAL VACANCY FORM

We aim to encourage applications from anyone in the Community who is eligible to stand.

Councillors or residents can approach individuals to suggest that they might wish to consider

putting their names forward for co-option.

As a minimum, co-option vacancies will be advertised on the website and on the noticeboard. The advertisement for the co-option will include:-

- Method by which applications can be made – this will be in writing to the Clerk
- The closing date for applications
- Contact point for potential candidates to obtain more information – the Clerk
- Advice that further information is available on request
- A form to complete which includes asking the candidate why they would like to be a Councillor; name; address and other contact When applications are received, the Clerk will confirm eligibility.

Any candidate found to be offering inducements will be disqualified.

Attendance following an application will be requested

All candidates will be sent a copy of the agenda.

Voting to Co-opt a Councillor

In the event of a candidate being unable to attend, their application will still be considered by Members. In the event of a candidate being related to a Councillor, then the Councillor would be expected to declare an interest and request a dispensation to speak and vote.

Voting will be by ballot. The Clerk will collect the ballots; record the voting numbers on the ballot record sheet (for each round of voting). The decision must be made by a majority of members who are present and voting. Where there are more than two (2) candidates for the vacancy, it may be necessary to run a series of votes, each time removing the candidate who has the least number of votes until one candidate secures an absolute majority. If there is more than one (1) vacancy then each vacancy must be filled by a separate vote or series of votes.

The Chair (or person presiding over the meeting) may vote, and if there is an equality of votes they may exercise their casting vote. The Council's vote on the co-option must be conducted in the public section of its meeting. It follows that the candidates, as members of the public, will be entitled to be present during the proceedings.

The successful candidate(s) are asked to start as a Councillor immediately after completing their Declarations of Acceptance of Office. The new Member should have received an agenda, however; the fact that they have not received a summons does not make their attendance as a Councillor illegal. (Local Government Act 1972 Sch 12, para 10(3)). Where appropriate they will also be appointed to any Council Committee. If an absent candidate is successful, members must agree to the signing the declaration of acceptance of office before or at the very start of the next meeting. New Councillors will also be made aware of the fact that Interests Forms will need to be completed within 28 days of co-option.

Offa Community Council - Application to Fill a Casual Vacancy for a Councillor

To stand for election to become a Community councillor you must be:

- At least 18 years old on the day of your nomination, and

- A British or qualifying Commonwealth citizen

You must also meet at least one of the following four qualifications:

- You are, and will continue to be, registered as a local government elector for the Community in which you wish to stand from the day of your nomination onwards
- You have occupied as owner or tenant any land or other premises in the Community during the whole of the 12 months before the day of your nomination and the day of election
- Your main or only place of work during the 12 months prior to the day of your nomination and the day of election has been in the Community.
- You have lived in the Community or within three miles of it during the whole of the 12 months before the day of your nomination and the day of election

Disqualifications from standing

There are certain people who are disqualified from being elected to a Community Council in England and Wales.

You cannot be a candidate if at the time of your nomination and on the day of the election, **any** of the following are true:-

- You are employed by the Community council or hold a paid office under the Community Council (including joint boards or committees),
- You are the subject of a bankruptcy restrictions order or interim order,
- You have been sentenced to a term of imprisonment of three months or more (including a suspended sentence), without the option of a fine, during the five years before polling day
- You have been disqualified under the Representation of the People Act 1983 (which covers corrupt or illegal electoral practices and offences relating to donations) or under the Audit Commission Act 1998

A person may also be disqualified from election if they have been disqualified from standing for election to a local authority following a decision of the First-tier Tribunal (formerly the Adjudication Panel for England or Wales).

If successful, you will be required to complete an entry in the council's register of members' interests. This involves putting your address, employment, relevant major shareholdings and membership of charities, pressure groups, political parties etc., on public record.



APPLICATION TO FILL A VACANCY FOR A COMMUNITY COUNCILLOR

Insert Ward Name:

To stand for election to become a Community Councillor you must be: -

- At least 18 years old on the day of your nomination, and
- A British or Commonwealth citizen

You must also meet at least one of the following four qualifications:

- You are, and will continue to be, registered as a local government elector for the Community in which you wish to stand from the day of your nomination onwards
- You have occupied as owner or tenant any land or other premises in the Community area during the whole of the 12 months before the day of your nomination and the day of election
- Your main or only place of work during the 12 months prior to the day of your nomination and the day of election has been in the Community area
- You have lived in the Community area of within three miles of it during the whole of the 12 months before the day of your nomination and the day of election

You cannot be a candidate if at the time of your nomination and on the day of the election, **any** of the following are true:-

- You are employed by the Community council or hold a paid office under the Community Council (including joint boards or committees),
- You are the subject of a bankruptcy restrictions order or interim order,
- You have been sentenced to a term of imprisonment of three months or more (including a suspended sentence), without the option of a fine, during the five years before polling day
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Full Name:	Title:		
	First Name:		
	Other Name(s):		
	Surname:		
Address:			
	Telephone:		
	Email:		
Will you be at least 18 years old on the date of the meeting?			YES NO
In order for your eligibility to be confirmed please tick all of the following that apply to you. For full details on eligibility, please refer to Wrexham County Borough Council's Electoral Officer.			
1.	On the current Electoral Register for the Community / Ward (ongoing requirement; you will be required to remain on the Register throughout your term of office)		
2.	Have lived in the Community, or within 3 miles of the Community Boundary during the whole of the 12 months before nomination and election		
3.	Main place of business during the last 12 months before the day of nomination and election is based in the Community.		
4.	Occupy as owner or tenant property within the Community for 12 months before the day of nomination and election		

Please indicate in no more than 100 words why you would like to join the Community Council.	
What do you personally feel the role of Community Councillor to be?	
What do you feel are the Council's strengths and weaknesses?	

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How would you personally be able to build on these?

--

What qualities, skills and experience do you offer to this Council?

--

Why do you want to be a Community Councillor?

--

Please provide any additional information you feel would support your application to be a Community Councillor (you can continue on additional sheets if needed).

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You would be disqualified from being a Councillor for the reasons stated on the front cover of this application. Please refer to that information before completing this application form.

I am not aware of any disqualification to my serving as a Councillor

I confirm the above information is correct to the best of my knowledge.

I also confirm that by signing I am confirming that Offa Community Council may process my personal data for the purposes of this application under the GDPR.

Signed.....

Date.....

Please return completed form and any supporting information to: -

Clerk
Luke O'Connor House Resource Centre
21 Barter Court
Hightown
Wrexham
LL13 8QT

Or email to clerk@offacommunitycouncil.gov.uk