



# AMMANFORD TOWN COUNCIL CO-OPTION POLICY AND PROCEDURE

# 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 Ammanford Town Council.

1.2 The co-option procedure is entirely managed by the Council, and this policy will ensure that a fair, transparent and efficient process is carried out. It complies with relevant statutory requirements and aims to uphold the highest standards of governance.

1.3 The co-option of a town councillor occurs in two instances:

1. When an ordinary vacancy has arisen on a Town Council after an ordinary election has been held,
2. When a casual vacancy has arisen on a Town Council and no poll (by-election) has been called.

1.3 The Council is composed of four wards: Iscennen, Myddynfych, Pantyffynnon and Wernddu..

## 2 Ordinary vacancy

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

## 3 Casual vacancy

3.1 A casual vacancy occurs when:

- A councillor fails to make his declaration of acceptance of office at 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 or sub-committee or to attend as a representative of the council a meeting of an outside body.

3.2 The Town Council has to notify Electoral Services at Carmarthenshire County Council of a casual vacancy and then advertise the vacancy and give electors of the ward the opportunity to request an election. This occurs when ten (10) electors write to the Electoral Services of Carmarthenshire County Council stating that an election is requested.

3.3 If a by-election is called, a polling station will be set up by Electoral Services at Carmarthenshire County 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. Ammanford Town Council will pay the costs of the election. Costs depend on a number of factors such as number of Electors, Postal Voting costs and staffing costs.

The people of the ward have fourteen days (not including weekends, bank holidays and other notable days), to claim the by-election, but the Electoral Services Office of Carmarthenshire County 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, the Town 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.

4.2 The Clerk will:

- Advertise the vacancy for four weeks or such other period as the Town Council may agree on the Town Council notice boards and website, (Section 116 of the Local Government (Wales) Measure 2011 states it is a requirement to give public notice where vacancies in Town/Community Council membership are to be filled by co-option.)
- Advise Electoral Services of Carmarthenshire County Council that the co-option policy has been instigated.

4.3 This procedure will also apply in the case of an ordinary vacancy where the Electoral Services Office has confirmed that there were insufficient nominations to fill all the seats but there are sufficient town councillors elected to constitute a quorum.

## 5 Eligibility of Candidates

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

- They are 18 years of age or over,
- They are a British citizen, a qualifying foreign citizen or a citizen of any other member state of the European Union;

and at least one of the following apply:

- on that day they are and thereafter they continue to be a local government elector for the area of the authority; or
- they have during the whole of the twelve months preceding that day occupied as owner or tenant any land or other premises in that area; or
- their principal or only place of work during that twelve months has been in that area; or
- they have during the whole of those twelve months resided in that area; or
- in the case of a member of a parish or community council they have during the whole of those twelve months resided either in the parish or community or within three miles of it.

5.2 Additionally there are certain disqualifications for being a parish councillor, of which the main are (see s80 of the Local Government Act 1972):

- Holding a paid office or employment under the Town Council,
- Bankruptcy,
- 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.
- you work for the council you want to become a councillor for (but you can work for other local authorities, including the principal authorities that represent the same area).

## 6 Applications

6.1 Candidates will be requested to submit an Expression of Interest not exceeding two sides of A4 paper.

6.2 Following the closing date, the next suitable Full Council meeting will have an agenda item 'To receive written expressions of interest for the office of Town 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' expressions of interests will be circulated to all town councillors by the Clerk at least 3 clear days prior to the meeting of the Full Council, when the co-option will be considered.

6.5 All such documents will be treated by the Clerk and all town councillors as strictly private and confidential.

## 7 Co-Option

7.1 At the Full Council meeting, candidates will be given the option to introduce themselves to the town councillors (members), give information on their background and experience and explain why they wish to become a member of Ammanford Town Council (maximum of 3 minutes per candidate). If candidates are unable to attend, the meeting will not be rearranged.

After presentations have been made, members will have the opportunity to ask candidates any questions before proceeding to vote. Note: If a candidate is unable to attend the meeting, the application can still be considered, and voting will be based on the application only.

The process will be carried out in a public session and there must be no discussion between members prior to a vote being taken.

If a candidate is a relative of a councillor, that councillor should declare a prejudicial interest and withdraw from the meeting.

When all candidates have finished giving their submissions, the council will proceed to vote with each candidate being proposed and seconded by the councillors in attendance and a vote by a show of hands. A recorded vote may be requested.

For a candidate to be elected to the council, it will be necessary for them to obtain an absolute majority of votes cast (50% plus 1 of the votes available at the meeting).

If there are more than two 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. 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 Mayor has the casting vote.

7.6 If present, a candidate who is co-opted will sign a Declaration of Acceptance of Office, including an undertaking to abide by the Town 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 Town Council.

7.7 The Clerk will notify Carmarthenshire County Council Electoral Services of the co-option of the new town councillor.

7.8 The co-opted town councillor will complete a Register of Interests form.

7.9 If insufficient candidates are co-opted, the process should continue, whereby the vacancies are again advertised.

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This policy is framed in accordance with the Local Government Act 1972 and relevant amendments and regulations as applicable to Wales.

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