

1 INTRODUCTION

The purpose of this document is to provide information when a casual vacancy arises for the office of Councillor.

2. THE SIX CAUSES OF A CASUAL VACANCY AND THE EFFECTIVE DATE OF THE VACANCY

2.1 Failure to complete a Declaration of Acceptance of Office within the proper time. This must be done before or at the first meeting of the Parish Council, unless Council permits otherwise. The effective date of the vacancy is the closing date for making Declarations of Acceptance of Office.

2.2 When a notice of resignation has been received. A councillor may at any time resign their office by written notice delivered to the Chairman of the Parish Council. There is no special form for the notice. It is considered that an e-mail amounts to a 'written notice'. There is no procedure for withdrawing a notice of resignation once it is made. There is no need to report the resignation to the council for it to take effect. The resignation takes effect upon receipt, and this is the effective date of the vacancy.

2.3 Death. The vacancy is deemed to have occurred on the date of the death.

2.4 Ceasing to be Qualified. This would normally only occur where registration as an elector was the sole qualification of a councillor for nomination and election and where that qualification was subsequently lost because they had ceased to be on the register of electors. As noted above, all other qualifications continue for the full term of office irrespective of whether they cease to exist during the term of office. The Council must declare the vacancy forthwith, and the vacancy is deemed to have occurred on the date of this declaration.

2.5 Becoming Disqualified. Through bankruptcy, office holding, surcharge, conviction, court order or being found guilty of corrupt or illegal practices in election law.

2.6 Failure to Attend Meetings. If a councillor fails throughout a period of six consecutive months from the date of their last attendance to attend any meeting of the Council (including committees, sub-committees or as a representative of the council), they shall, unless the failure was due to some reason approved by the Council before the expiry of that period, cease to be a member of the Council. The effective date of the vacancy is the date declared by the Council.

3. QUALIFICATIONS TO BE A COUNCILLOR

A person is qualified to be elected and to be a councillor if they are a British, Commonwealth, Irish or European Union citizen and on the relevant day (that is, the day of nomination and election) they are 18 or over. In addition, the person must meet at least one of the following criteria (1) on the relevant day and thereafter they continue to be on the electoral register for the parish, or (2) during the whole of the twelve months before that day they have owned or tenanted land or premises in the parish, or (3) during the whole of the twelve months before that day their principal or only place of work has been in the parish, or (4) during the whole of the twelve months before that day they have resided in the parish or within three miles of it. Except for qualification (1), these qualifications then continue for the full term of office, until the next ordinary elections. Certain people are disqualified from standing, and these include paid officers (including the Clerks) of the Council, bankrupts and those subject to recent sentences of imprisonment.

4. PROCEDURE WHEN CASUAL VACANCY ARISES FOR THE OFFICE OF COUNCILLOR

4.1 When a casual vacancy arises the Council must give public notice of the vacancy under the Local Government Act, 1972 (Section 87(2)). Copies of a pro-forma notice are available from Shropshire Council's Elections staff, and they should be put up forthwith by the Clerk. The legislation requires the notice to be posted "in some conspicuous place or places within the parish area" or in any other manner that will ensure its publicity. This statutory public notice invites people to request an election to fill the vacancy*. The notice will be displayed on notice boards and on our website.

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The Clerk will also notify Shropshire Council's Elections Team of the vacancy together with a copy of the public notice.

4.2 In the case of a casual vacancy occurring in the last six months before the ordinary elections, the Council is required to give a notice of the casual vacancy but an election is not held. The Council may co-opt if it wishes, leaving any unfilled vacancies to be filled at the ordinary elections.

4.3 Council is not required by law to give public notice of vacancies in offices of the Council arising from an insufficient number of candidates at an ordinary election.

4.4 Once the public notice's fourteen-day period ends and if a by-election is not called from this public notice, the Council can start the process of co-option.

4.5 If there is more than one vacancy, separate Notices of Vacancy are required for each individual seat.

4.6 In the event that a vacancy occurs as a result of the death of a serving Councillor, Shropshire Council would advise that the Notice of Vacancy is not advertised until after the funeral has taken place, as a mark of respect.

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

4.8 If the number of casual vacancies leaves the Parish Council without a quorum, Shropshire Council may order an election to be held and, in the meantime, may by order appoint people to fill all or any of the vacancies until other councillors are elected and take up office.

*The rule allows TEN ELECTORS for the parish in which the casual vacancy has arisen to request the Returning Officer to hold an election to fill the vacancy. That request must be made within fourteen days, calculated in accordance with the rules, of the date of the notice.

*It is helpful if the ten signatures are accompanied by printed names, addresses and electoral numbers from the current electoral register. It is not considered that the request can be made by e-mail, and there are no means of withdrawing a signature once the request has been submitted. The request is open to public inspection and copying. The election must then be held within sixty days of the date of the notice of casual vacancy.

5. IF AN ELECTION IS CALLED

5.1 The Returning Officer will set a date for polling day, and the election process will begin with the publication of a notice of election, copies of which will be supplied to the Clerk. That notice informs the electors where they may obtain nomination papers and the date by when they should be delivered. It gives the dates by which applications to vote by post or proxy must be made. It also gives the date of the poll in the event of a contest.

5.2 At parish or town council elections, the issue of poll cards to the electors is at the discretion of the parish or town council. The advantage of issuing poll cards is that this informs the electors of the impending election, allowing them to apply to vote by post if they need to, and, hopefully, encouraging them to turn out on polling day. The down side is, of course, that the cost is recharged to the Parish Council. The Returning Officer is required to receive a request to issue poll cards by the close of nominations. However, a much earlier request is appreciated, because it enables the elections staff to make the necessary preparations at the earliest opportunity.

6. PROCEDURES FOR CO-OPTION

6.1 If no by-election is called by the relevant date shown on the Notice the Council must co-opt a member to fill the vacancy as soon as practicable.

6.2 The Clerk will place notices on the notice boards and on the website advertising the casual vacancy inviting parishioners to consider putting themselves forward for consideration for co-option by a closing date. There is nothing preventing councillors from approaching persons asking them to

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offer themselves for co-option. Those persons interested should write to the Clerk explaining why they wish to be considered for Council and what skills and expertise they can offer.

6.3 Once Council is satisfied that a candidate is eligible (See Section 3 above) to be considered for co-option they will be invited for interview by a panel of three councillors who will decide if any interviewee is suitable for Council to co-opt at the next Parish Council meeting. The interview will be an opportunity to assess the candidate's skills and if they have any areas of interest which will assist the Parish Council. Examples of suitable requirements would be:

- Sound knowledge and understanding of local community.
- Ability and willingness to represent the Council and their community.
- Willingness to meet with residents to discuss issues.
- Good communication skills.
- Ability and willingness to work closely with other members and staff.
- Knowledge of local governance.
- Ability and willingness to work with Council's partners ie highways, police, community and voluntary groups.
- Ability and willingness to use email to ensure they keep up-to-date with Council matters.
- Ability and willingness to undertake training, attend external meetings and provide written reports.
- Ability and willingness to attend monthly Council meetings and attend occasional extraordinary meetings, working group meetings or assist with projects.
- Enthusiastic, flexible and committed to Council.

6.4 Notice of the co-option will be given in the appropriate Agenda for a Parish Council meeting.

6.5 The council's debate and 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.

6.6 When that item is reached on the Agenda the Chair should call for nominations, which should be duly proposed and seconded. Candidates may be invited to read a letter of interest to those present. A vote will then be taken. The successful candidate should have received an absolute majority vote of those present and voting.

6.7 Where there are more than two 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.

6.8 The person presiding over the meeting may vote, and if there is an equality of votes they may exercise their casting vote. Members must vote by show of hands unless the Council has standing orders that provide otherwise.

6.9 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. However, if the number of candidates exceeds the number of vacancies, each vacancy should be filled by a separate vote or series of votes.

6.10 After the vote has been taken, the Chairman should declare the candidate who received the highest number of votes duly elected.

6.11 The person elected must make a Declaration of Acceptance of Office before, or at, the first meeting of the Parish Council following their election in the presence of the Parish Clerk

6.12 The Clerk will send the name and address of the person co-opted to Shropshire Council's Legal and Democratic Services Team as they keep full records of all current town and parish councillors.

6.13 A copy of their "Declaration of Personal Interest Form" must also be sent to the Shropshire Council's Monitoring Officer.

6.14 The new member will be expected to undertake Councillor training within the first six months of them taking office.