

# Wanborough Parish Council

## Casual Vacancy and Co-option Procedure

### Introduction

Within the four-year term between ordinary elections, there are times when not all the seats on Wanborough Parish Council are taken i.e. a casual vacancy exists.

This document will explain how a casual vacancy arises and will lay out the administrative process that will be followed by Wanborough Parish Council.

### When does a casual vacancy arise?

A casual vacancy is deemed to have occurred:

- when a Parish Councillor resigns from office; or
- on the day of a Parish Councillor's death; or
- on a prospective Parish Councillor's failure to make their declaration of acceptance of office within a proper time; or
- on the failure of a Parish Councillor to attend a meeting of the whole council, committee or sub-committee, or joint committee, for a period of six consecutive months, without receiving approval from the council for the absence; or
- if a Parish Councillor holds a paid office or employment with the council; or
- if a Parish Councillor is the subject to a bankruptcy restrictions order or an interim bankruptcy restrictions order, or a debt relief restrictions order, or interim debt restrictions order; or
- if within five years before the day of the election or since election, a Parish Councillor has been convicted of an offence which has imposed a sentence of imprisonment of more than three months; or
- if a Parish Councillor is disqualified from being a councillor of a principal authority as a result of electoral offences; or
- when there are insufficient nominations at election; or
- when the election vote is declared void.

### Casual Vacancy within six months of an election

If the period of vacancy is less than six months, Wanborough Parish Council is not required to fill the vacancy but can do so if it desires.

### Public Notice of Vacancy

Immediately upon the declaration of a Casual Vacancy, the Clerk of Wanborough Parish Council should contact Swindon Borough Council's Electoral Officer to agree the formal date for displaying the notice of vacancy within the Wanborough parish.

The notice will be displayed for 14 days during which 10 electors of Wanborough Parish can demand that a poll takes place.

If an election is called, it will be organised by Swindon Borough Council but paid for by Wanborough Parish Council.

Swindon Borough Council will notify the Parish Clerk within 3 days after the notice deadline date whether an election will be held.

If an election has not been called, Wanborough Parish Council will seek to fill the seat by co-option.

## **Swindon Borough Council's Electoral Officer**

The Parish Clerk will communicate with Swindon Borough Council's Electoral Officer who acts for the Returning Officer.

### **Co-option Advertisement**

The Clerk will display a notice within Wanborough Parish Council official noticeboards:-

- Wanborough Village Hall, High Street
- Hooper's Field Pavilion, Rotten Row
- Church Road
- Foxhill

Further methods for publicising will be via:

- Lyden magazine
- Wanborough Parish Council's website & facebook page

seeking candidates for co-option.

All residents interested in becoming a Parish Councillor will be asked to contact the Parish Clerk.

### **Qualifications**

The Parish Clerk will check that the candidates for co-option meet with the rules on qualifications for elected members and are not disqualified. Parish Clerk will ask all candidates to complete a form, (copy of form at the end of this document).

- To be able to stand as a candidate at a Wanborough Parish Council election, you must:
- be at least 18 years old on the day of your nomination
- be a British citizen, an eligible Commonwealth citizen, or a citizen of any other member state of the European Union
- meet at least one of the following four qualifications:
  - You are, and will continue to be, registered as a local government elector for Wanborough Parish Council from the day of your nomination onwards.
  - You have occupied as owner or tenant any land or other premises in the Wanborough parish 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 Wanborough parish area.
  - You have lived in the Wanborough parish area, 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**

You cannot be a candidate if at the time of your nomination and on the day of the election:

- You are employed by Wanborough Parish Council or hold a paid office under Wanborough Parish 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.

As the full range of disqualifications is complex, the Parish Clerk will liaise with Swindon Borough Council's Electoral Officer for advice if in any doubt about whether the candidate is disqualified.

### **Council Meeting**

The Parish Council will consider the candidates for co-option at a Full Council meeting. Prior to adding "Co-option" to the agenda of a Full Council meeting the Parish Clerk will:-

- Check that all candidates are eligible to be a Parish Councillor,
- Check that all candidates are available to attend the meeting.
- Ask for a brief statement confirming who they are and why they want to be a Parish Councillor that can be circulated to Councillors prior to the meeting.

The Parish Clerk will confirm how many candidates have put themselves forward for co-option, to Parish Councillors prior to the meeting.

In an open session, each candidate will be asked by the Chair of the Council to address Wanborough Parish Council for up to 3 mins, confirming:-

- Why they want to become a Parish Councillor
- Provide information about themselves and what experience they have.

Each of the candidates will be asked to leave the room, allowing Parish Council to discuss candidates or to go straight to a vote.

### **Voting**

The voting will take place after the candidates have been asked to leave the room, led by the Chair of Wanborough Parish Council.

A successful candidate must receive an absolute majority vote of those present at the Wanborough Parish Council meeting when the co-option is being made.

If the number of candidates exceeds the number of vacancies, Wanborough Parish Council must hold a ballot amongst Parish Councillors at the meeting.

They should do so by successive counts for each vacancy, and eliminate the least successful candidate, until the successful candidate has an absolute majority of those Parish Councillors present.

If there is an equality of votes at any time, the Chair of Wanborough Parish Council must use their casting vote.

The candidates will then be asked to return to the meeting when the Chair of Wanborough Parish Council will inform the candidates whether they have been successful or not.

The successful candidate(s) will then be asked to sign the "Declaration of Acceptance of Office" and then will be able to participate in the Wanborough Parish Council meeting.

The co-opted Parish Councillor will serve until the next ordinary election of Wanborough Parish Council.

### **After the meeting**

The Clerk will notify Electoral Services of the new Councillor appointment, initiate "Acceptance of Office" paperwork and "Registration of Interests".

**Wanborough Parish Council**

**Co-option Eligibility Form**

1. In order to be eligible for co-option as a Wanborough Parish Councillor you must be a British subject; or a citizen of the Commonwealth or the European Union; and on the "relevant date" (i.e the day on which you are nominated or if there is a poll the day of the election) 18 years of age or over.

Additionally able to meet one of the following qualifications set out below. Please tick which applies to you:-

a. I am registered as a local government elector for the parish; or

b. I have, during the whole of the twelve months preceding the date of my co-option, occupied as owner or tenant, land or other premises in the parish; or

c. My principle or only place of work during those twelve months has been in the Parish; or

d. I have during the whole of twelve months resided in the Parish or within 3 miles of it.

2. Please note that under Section 80 of the Local Government Act 1972 a person is disqualified from being elected as a Local Councillor or being a member of a Local Council if he/she:-

a. Holds any paid office or employment of the local council (other than the office of Chairman) or of a joint committee on which the Council is represented; or

b. Is a person who has been adjudged bankrupt or has made a composition or arrangement with his/her creditors (but see below); or

c. Has within five years before the day of election, or since his/her election, been convicted in the UK, Channel Islands or Isle of Man of any offence and have been sentenced to imprisonment (where suspended or not) for not less than three months without the option of a fine; or

d. Is otherwise disqualified under Part III of the representation of the People Act 1983 for corrupt or illegal practices.

**This disqualification for bankruptcy ceases in the following circumstances:**

i. If the bankruptcy is annulled on the grounds that either the person ought not to have been adjudged bankrupt or that his/her debts have been fully discharged;

ii. If the person is discharged with a certificate that the bankruptcy was caused by misfortune without misconduct on his/her part;

iii. If the person is discharged without such a certificate.

NOTES

In i and ii above, the disqualification ceases on the date of the annulment and discharge respectively. In iii it ceases on the expiry of five years from the date of discharge.

**Declaration**

I ..... hereby confirm that I am eligible for the vacancy of Wanborough Parish Councillor, and the information given in this form is a true and accurate record

Signed.....

Date.....

Adopted: