



# WINCANTON TOWN COUNCIL

## CASUAL VACANCY POLICY

### 1. Introduction

According to Section 87 of the Local Government Act 1972 a casual vacancy occurs when:

1. A Councillor fails to complete a Declaration of Acceptance of Office within the proper time. This must be done before or at the first meeting of the Town Council, unless the Town Council permits otherwise. The effective date of the vacancy is the closing date for making Declarations of Acceptance of Office.
2. A Councillor Resigns. 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 Town Council. There is no special form for the 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.
3. A Councillor Dies. The vacancy is deemed to have occurred on the date of the death.
4. Ceasing to be Qualified. This would normally only occur where a Councillor had used their resignation as an elector as their qualification for nomination and election and where that qualification had been lost because they had ceased to be on the register of electors. As noted above, all other qualification continue for the full term of office. The Town Council must declare the vacancy forthwith, and the vacancy is deemed to have occurred on the date of this declaration.
5. A Councillor becomes Disqualified. Through bankruptcy, office holding, surcharge, conviction, court order or being found guilty of corrupt or illegal practices in election law.
6. A Councillor's Failure to Attend Meeting. If a Councillor fails throughout a period of six consecutive months from the date of their last attendance to attend any meeting of the Town Council (including committees, sub-committees or as a representative of the Town Council), they shall, unless the failure was due to some reason approved by the Town Council before the expiry date of that period, cease to be a member of the Town Council. The effective date of the vacancy is the date declared by the Town Council.

## **2. Public Notice – Vacancy on Wincanton Town Council**

The Town Clerk has to notify South Somerset District Council Democratic Services Department of a Casual Vacancy. The Town Clerk must display as soon as possible after the date on which the vacancy has been deemed to have occurred a Public Notice Vacancy on Wincanton Town Council. The Public Notice Vacancy on Wincanton Town Council gives electors the opportunity to request an election. The Public Notice or Notices will be displayed for 14 days on the Town Council noticeboard or office window and on Wincanton Town Council website.

## **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 or election) they are 18 or over. In addition, the person must meet at least one of the following criteria:

- On the relevant day and thereafter they continue to be on the electoral register for the Parish, or
- During the whole of the twelve months preceding the date of co-option occupied as owner or tenant the land or other premises in the Parish, or
- During the whole of the twelve months before that day their principal or only place of work has been in the Parish, or
- During the whole of the twelve months before that day they have resided in the Parish or within three miles of it

A person is disqualified from being a Town Councillor if:

- He/She has served a prison sentence (including suspended sentences) of three months or more, without the option of a fine, during the five years before polling day
- He/She is subject of a bankruptcy restrictions order or interim order
- He/She is employed by Wincanton Town Council
- He/She has been disqualified under the Representation of the People Act 1983 (which covers corrupt or illegal electoral practices and offences legislation)

## **4. Election**

If, within 14 working days (from the date of notice), after Public Notice Vacancy on Wincanton Town Council has been given, the Returning Officer from South Somerset District Council Democratic Services Department receives a written request for an election signed by ten electors for Wincanton, an election must be held to fill the vacancy.

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 Town Clerk. That notice informs the electors where they may obtain nomination papers and the date by when they should be delivered. It gives dates by which applications to vote by post or proxy must be made. It also gives the date of the election in the event of a contested election. It is from this point that the Town Council will start to incur the full costs that will arise from staging an election.

## **5. Co-Option**

Upon the expiry of the 14 days in which the Public Notice Vacancy on Wincanton Town Council has been displayed, the Town Council may co-opt to fill a casual vacancy.

The Town Clerk will display Co-option of Town Councillor notice. The notice will be displayed on the Town Council noticeboard or office window and on Wincanton Town Council website.

### **a) Applications**

Applicants for co-option will be asked to complete a Wincanton Town Council Application to be Co-opted as a Town Councillor and a Personal Statement why they wish to become a Town Councillor. Copies of the Application Form and Personal Statement will be circulated to all members for consideration at a meeting of the Town Council. At the meeting of the Town Council consideration of applications will be dealt with in the public session

### **b) Voting Process**

Voting will be according to the statutory requirement in that a successful candidate must have received an absolute majority vote of those present and voting.

Where there are more than two candidates for one 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.

In the case where there is a tied vote the Chairman would have a casting vote

In each round of voting Councillors will be provided with ballot papers and have one vote each.

Ballot papers will be collected by the Town Clerk who will then count and record the votes using the Verification and Count Sheet

The newly co-opted member will be required to complete a Declaration of Acceptance of Office

## **6. Reviewing this Policy**

This policy will be reviewed on a regular basis as part of Wincanton Town Council's continuing review of its Policy Documents, Standing Orders and Financial Regulations. Recommendations for change will be reported to the Town Council.

Adopted at the Full Council Meeting on 24<sup>th</sup> November 2014, Minute 5130