

## **Desborough Town Council**

### **Casual Vacancies and Co-Options Policy and Procedure**

A casual vacancy is when one (or more) Councillors vacate their office (usually through resignation, or vacation of office through non-attendance). A list of the six causes of a casual vacancy and the effective date of the vacancy are set out in Appendix A1.

In the event of such a vacancy arising, the following procedure will be followed.

1. The Town Clerk shall report the vacancy to the next available Town Council meeting informing the Council that he will take / has taken appropriate steps to advertise the vacancy by co-option. This is for information only.
2. The Town Clerk will advertise the vacancy online, in the offices, and on the Council's noticeboards (in line with draft advert at Appendix A2).
3. The vacancy will be advertised and if ten electors for the ward give notice in writing to Kettering Borough Council's Electoral Registration Officer then a by-election will be held by the Borough Council. The time limit for electors to give notice is 14 days (not counting a Saturday or Sunday, Christmas Eve, Christmas, Day, Maundy Thursday, Good Friday, or Bank Holiday (or a day appointed for public thanksgiving or mourning)).
4. The Town Clerk will write to the Electoral Registration Officer at Kettering Borough Council advising that a vacancy has arisen and enclosing a copy of the Notice of Vacancy. The Town Clerk will seek confirmation that it is in order for the Council to consider filling the vacancy if no requests are made for a by-election.
5. If ten or more electors requisition a poll then a by-election is held by Kettering Borough Council and the costs borne by Desborough Town Council.
6. If insufficient requests are made for a by-election (and the Borough Council has confirmed that the Town Council can co-opt), the Town Clerk will advertise the vacancy for co-option instead of election using the form set out at Appendix A2.
7. The Council will not approach potential candidates directly but Councillors may individually suggest that potentially interested people should apply. The Town Clerk shall publish an application form online and provide copies for interested parties.
8. The Town Clerk will fix the closing date for applications to fit in with the Council meeting timetable and to allow time for verification to take place.
9. The Town Clerk will verify the eligibility of each person submitting an application and will notify all such persons of the outcome.
10. If there are any qualifying applicants, a ballot will be taken as an agenda item at a Council meeting where Members will consider each applicant. If only one candidate is qualified the Council must still consider and ballot on whether or not to co-opt that person, and is not bound to appoint that person.

11. The procedure will be as follows:-
  - a. the Town Clerk will invite each candidate to attend the Council's offices prior to the scheduled meeting to meet current Councillors in an informal context;
  - b. when the Council meeting reaches the appointed agenda item, the Chair shall invite each candidate in alphabetical order to give a short presentation (3 to 4 minutes) on why they would like to be a Town Councillor and what they feel they can offer to the community;
  - c. no questions shall be asked by Councillors to candidates and no members of the public shall speak during this process;
  - d. any candidate may submit a written statement to be read on their behalf (so long as it does not exceed 4 minutes);
  - e. any candidate who cannot attend will still be considered and their non-attendance shall not be counted against them;
  - f. once all candidates have spoken (or been had their words read) the Council will proceed immediately to vote by secret ballot, counted by the Town Clerk;
  - g. the Chair shall announce the number of votes cast for each candidate;
  - h. if there are more than two candidates, the candidate with the fewest votes is excluded and the Council ballots again to reduce the number of candidates by one candidate at a time;
  - i. in the event that the two lowest candidates have equal votes, the Council will ballot between those candidates and the candidate with the lowest number of votes will be excluded;
  - j. when there are only two candidates, the successful candidate must receive 50% of the votes plus one (of those councillors present and voting);
  - k. the Chair will declare the successful candidate, thank the other candidates, and invite the successful candidate to sign the Declaration of Acceptance of Office at the meeting (if they are present).
12. The term of office begins at the **end** of the Council meeting at which the ballot takes place, or on signing the Declaration of Acceptance of Office, whichever is later.
13. The Town Clerk will write to the Monitoring Officer and the Electoral Registration Officer advising them of the successful candidate.

### **Vacancies after an election**

If, following an ordinary election there are insufficient persons nominated to fill all the available seats, the Council has 35 days from the date of the election to co-opt persons to fill those vacancies without the necessity of advertising for a potential by-election. In this case, the Town Clerk will take immediate steps to fill the vacancies as outlined above.

If, following the election, there are insufficient Councillors elected to form a quorum, the Town Clerk will advise Kettering Borough Council which may either appoint persons to be town Councillors or order another election.

## **The Six Causes of a Casual Vacancy and the Effective Date of the Vacancy**

### **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 Council, unless the council permits otherwise. The effective date of the vacancy is the closing date for making declarations of acceptance of office.

### **2. When a notice of Resignation has been received.**

A councillor may at any time resign their office by written notice delivered to the chair 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. The Chair of the Council should report the resignation to the Town Clerk without delay.

### **3. Death**

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 registration 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 qualifications continue for the full term of office. The Council must declare the vacancy forthwith, and the vacancy is deemed to have occurred on the date of this declaration.

### **5. Becoming Disqualified**

A person becomes disqualified from holding the office of Councillor through bankruptcy, office holding, surcharge, conviction, court order or being found guilty of corrupt or illegal practices in election law.

### **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.

**DESBOROUGH TOWN COUNCIL**

**St. Giles / Loatland Ward**

**VACANCY FOR A COUNCILLOR**

There is a vacancy on Desborough Town Council caused by the xxxxxxxx of Cllr xxxxxx

A by-election to fill the vacancy will be held if within 14 days (not counting a Saturday or Sunday, Christmas Eve, Christmas, Day, Maundy Thursday, Good Friday, or Bank Holiday (or a day appointed for public thanksgiving or mourning) from the date below ten electors for the St. Giles / Loatland Ward give notice in writing claiming such an election to the Electoral Registration Officer.

The address for the Electoral Registration Officer is: Kettering Borough Council, Municipal Offices, Bowling Green Road, Kettering, NN15 7QX.

If no such notice is given the Town Council will fill the vacancy by co-option.

Dated xxxxxxxxxxxxxx

Signed \_\_\_\_\_  
Town Clerk

Desborough Library Building, High Street, Desborough, NN14 2QS

Delete paragraphs 2 and 3 if the vacancy occurs within six months before the fourth day after the ordinary day of elections for the Council.

**DESBOROUGH TOWN COUNCIL**

**NOTICE OF CASUAL VACANCY**

Notice is hereby given that by reason of \_\_\_\_\_ a vacancy has occurred among the members of the Town Council.

Any person willing to fill this vacancy should apply to the Town Clerk in writing on or before xxxxx<sup>1\*</sup>

In order to stand for this position, an applicant must not be debarred from standing as a Councillor, and they must meet at least one of the following criteria:-

- the applicant's name must appear on the current Register of Electors List;
- the applicant should during the whole of the twelve months preceding the relevant date have resided in or within three miles of the parish;
- the applicant's only place of work during the whole of the twelve months preceding the relevant date is in the parish.

Public elections cannot be held until xxxxx<sup>2</sup> but for the interim period the present sitting Councillors may co-opt to fill the vacancy.

Graham Thomson  
Town Clerk

Desborough Town Council  
Desborough Library  
High Street  
Desborough  
NN14 2QS

Date

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<sup>1</sup> About 10 days before the next Council Meeting

<sup>2</sup> May 2020