

## **Desborough Town Council**

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

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A casual vacancy is when one (or more) Councillors vacate their office leaving a vacancy. A list of the six causes of a casual vacancy and the effective date of the vacancy is set out in Appendix A. There is no interpretation or Council decision involved in determining whether or not a vacancy exists: it is a matter of fact and an administrative task.

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

#### **Calling for a Poll**

1. The Town Clerk shall immediately report the vacancy to the Principal Authority's Electoral Officer and will seek confirmation that it is in order to advertise the possibility of a by-election. Unless in a period where polls may not be called (for example before an ordinary election), the Electoral Officer will issue an official notice to the Town Clerk.
2. The Town Clerk shall report the vacancy to the next available Town Council meeting (for information only) apprising the Council that the appropriate steps have been taken to notify the Principal Authority's Electoral Officer.
3. On receipt of the official notice from the Principal Authority, the Town Clerk will advertise the vacancy on the Council's website and on the Council's noticeboard.
4. If ten or more electors for the ward give notice in writing to Principal Authority's Electoral Officer requesting a poll then a by-election will be held by the Principal Authority at the expense of the Town Council. The time limit for electors to give notice is 14 days (not counting certain days specified in law).
5. If insufficient requests are made for a by-election, the Town Clerk will seek confirmation from the Principal Authority that it is in order for the Town Council to consider filling the vacancy by co-option. Once confirmed, the Town Clerk will advertise the vacancy for co-option.

#### **Co-option Administrative Process**

6. 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 on request.
7. The Town Clerk will fix the timetable for applications to fit in with the Council meeting timetable and to allow time for verification to take place. The application window will ordinarily be two complete weeks.
8. The Town Clerk will verify the eligibility of each person submitting an application and will notify each person of the outcome. Candidates will be required to confirm the basis of their qualification and provide the Town Clerk with sight of relevant documents.
9. Qualifying candidates will be requested to provide the Town Clerk with the text of any statement they wish to make at the co-option meeting so that in their absence it may be read on their behalf (so long as it does not exceed four minutes).
10. If any qualifying candidate so requests, the Town Clerk will invite all candidates to attend a session prior to the scheduled meeting to meet current Councillors in a less formal setting.
11. Qualifying candidates will be invited to the Council meeting at which the co-option will be considered to put forward their case.

#### **Co-option Process Overview**

12. During a Council meeting in public, candidates' statements will be given, and the Council will vote in accordance with Standing Orders by show of hands and without discussion. The Council is not bound to co-opt any candidate and may reject any or all candidates without giving reasons. To be co-opted a candidate needs to secure more than half of the votes available at the meeting. If the Council does not vote to co-opt any candidates then the process will be repeated at each meeting until either the vacancy is filled or it is too close to an ordinary election for co-option.

#### **Co-option Process**

13. When the Council meeting reaches the appointed agenda item, the Chair shall invite each candidate in turn to give a short presentation (which must not exceed four minutes) on why they would like to be a Town Councillor and what they feel they can offer to the community.

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14. Candidates should have submitted a written statement which shall be read on their behalf (so long as it does not exceed four minutes) if they so wish or are unable to attend the meeting.
15. Any candidate who cannot attend will still be considered and their non-attendance shall not be counted against them.
16. As soon as all candidates have finished giving their submissions, the Council will proceed to a vote. No questions shall be asked by Councillors to candidates and no members of the public shall speak during this process.
17. Once all candidates have spoken (or had their words read), the Chair shall call for a mover and seconder for each candidate (in order) as defined in the Standing Orders. Any candidate who does not secure a mover and seconder will be automatically excluded from the vote.
18. The Chair shall call for a vote by a show of hands (LGA 1972 Schedule 12 Paragraph 13). A recorded vote may be requested in accordance with Standing Orders. For each candidate in turn, the Chair shall call for votes in favour, against, and abstentions. If the voting process is being held during an online meeting, the meeting clerk will ask each Councillor in turn how they wish to vote.
19. If there is more than one vacancy, the Town Clerk may issue further guidance on the voting process which shall be consistent with the principles in this policy.
20. After the voting round is concluded, the Chair shall announce the number of votes cast for each candidate.
21. In order for a candidate to be co-opted to the Council, it is necessary for them to obtain an absolute majority of votes (more than 50% of the votes available at the meeting). If there are more than two candidates and there is no candidate with an absolute majority in the first round of voting the candidate with the fewest votes will drop out of the process. Further rounds of voting will then take place with the process repeated until the number of candidates remaining equals the number of vacancies, or a candidate has an absolute majority.
22. At any time if a candidate secures more than half of the available votes, the Chair shall declare them to be co-opted.
23. If there are more candidates than seats, the candidate with the fewest votes is excluded and the Council votes again to reduce the number of candidates by one candidate at a time.
24. In the event that the two lowest polling candidates have equal votes, the Council will vote between those candidates and the candidate with the fewest votes will be excluded.
25. The Chair will declare the successful candidate(s), thank the other candidates, and invite the successful candidate(s) to sign the Declaration of Acceptance of Office at the meeting (if they are physically present) or to make arrangements to sign before the next ordinary Council meeting.
26. The term of office begins at the end of the Council meeting at which the co-option vote takes place, or on signing the Declaration of Acceptance of Office, whichever is later.
27. The Town Clerk will write to the Electoral Officer advising them of the successful candidate.

#### **Vacancies after an ordinary election**

28. 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 Proper Officer will take immediate steps to fill the vacancies as outlined above including, if necessary, convening an extraordinary meeting of the Council.
29. If, following an ordinary election, there are insufficient Councillors elected to form a quorum, the Town Clerk will advise the Principal Authority 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.