

SPC COUNCILLOR CASUAL VACANCY POLICY

Adopted September 2021

The following policy and procedure has been written for co-option of a Councillor to fill a casual vacancy occurring on Saltford Parish Council.

1. In the event of a casual vacancy being deemed to have occurred at Saltford Parish Council (* see below for reasons for a casual vacancy occurring), the Parish Clerk will declare that such a vacancy exists without recourse to a meeting of the Parish Council
2. The Clerk will notify the Electoral Services Office at B&NES Council and once supplied will publicly display a Notice of Vacancy in the noticeboard and on its website. In the case of a casual vacancy occurring due to death, the notice will be delayed for a respectful period in line with SPC's 'Marking the death of a prominent national figure or elected member'.
3. If a casual vacancy arises within six months of the day when the councillor whose office is declared vacant would ordinarily have retired (i.e. the next due election day), then no by-election may be demanded. As the Parish Council is permitted either to advertise the vacancy for co-option or to leave the office vacant until the date of the next ordinary election, the Parish Council will be asked at its next suitable meeting which option it wishes to pursue.
4. If, in the period of time required by legislation following the publication of the Notice of Vacancy (at present 14 working days), the Elections Officer at B&NES Council receives the required number of letters from electors (at present 10 electors) claiming a by-election, the election process will commence and a by-election will take place within 60 days of the notice of vacancy. B&NES Council will make all the necessary arrangements for such a by-election.
5. If the Elections Officer does not receive the required number of letters (at present, 10 letters) from electors calling for an election to be held, then the co-option procedure will commence with step 6.
6. If it is required that a vacancy be filled as soon as practicable after the expiring of the notice period in step 4 above and the Parish Clerk will normally invoke this procedure without further recourse to a meeting of the Council.
7. The vacancy to be filled by co-option will be advertised on Saltford Parish Council's noticeboard and on Saltford Parish Council's website (and/or other local media and social media deemed appropriate) within 40 days of the end of the time for the notice period in step 4 above. The co-option advertisement notice will give interested parties at least 14 working days to notify the Parish Council, through the Parish Clerk, that they wish to be considered for co-option.
8. All candidates will be expected to put their request for consideration in writing by completing and returning an application form by the stated deadline. Applications received after the deadline will not be considered. Applications may contain a summary about themselves, and may include: reasons for wishing to be a councillor;

previous community or council work; any other skills they can bring to the Council, their interests and recent career history. All candidates must also confirm their eligibility for the position of councillor within the statutory rules.

9. Candidates found to be offering inducements of any kind to members or officers of the Parish Council will be disqualified.

10. Applications for co-option will be considered by the next suitable meeting of the Council, following the expiry of the co-option advertisement notice.

11. Candidates will be expected to make every effort to attend the meeting at which the Parish Council proposes to appoint the co-opted member. Candidates may wish to speak during 'public time' in support of their application.

12. Discussion about the applications will take place in Council session without intervention from the candidates or public in an open session. Candidates are welcome to remain at the meeting during all discussions.

13. Where there are two or more persons nominated, voting on appointments will be done via a secret ballot voting form in line with Standing Orders. Councillors will submit their votes via a voting form to the Clerk which may be delivered on paper or electronically. The vote will have taken place when all forms have been received (unless a Councillor has stated that they are abstaining from the vote). Forms will be issued by the Clerk in advance of the vote and will include a unique reference/randomised number, known only to the Clerk. On receipt, the Clerk will verify that one ballot paper has been received from each Councillor (unless a Councillor has stated they are abstaining). Candidates are welcome to remain in the meeting during the secret ballot.

14. Where more than 2 persons have been nominated for a position to be filled by the Council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. Any tie may be settled by the Chair's casting vote. A casting vote can be made via voting form or verbally. This process can be repeated until all vacancies have been filled.

15. Candidates will have access to the agenda of the meeting at which they are to be considered for appointment. The successful candidate/s will be appointed and sign their Declaration of Acceptance of Office at the time of appointment at the meeting and can then act as a councillor in line with normal election procedures.

16. The Register of Interest will be completed within 28 days and a copy passed on to the monitoring officer at B&NES Council. The newly appointed councillor will be provided with an induction pack to include the Code of Conduct, Standing Orders and Financial Regulations of the Council, as well as receive Councillor training and be informed of external councillor training sessions provided by ALCA / NALC.

Policy Review

This policy will be reviewed as-and-when required by the Council to ensure that it is relevant to working practice, most likely following the resignation of a Councillor.

*A casual vacancy is deemed to have occurred

- a) When a councillor fails to make the declaration of acceptance of office within the proper time
- b) When a notice of resignation is received
- c) On the day of his/her death
- d) In the case of a disqualification under the Audit Commission Act 1998 or under the Local Government Act 2000, s79 or by virtue of a conviction on the day when either the time for appeal or application for relief expires, or such appeal or application is dismissed or abandoned.
- e) In the case of an election being declared void, upon the date of the report or certificate of the election court
- f) Where a person ceases to be qualified, or becomes disqualified for any reason other than conviction or order, or is persistently absent from meetings for a period of six months or more without an agreed absence agreed at a full meeting, upon the date when the office is declared vacant by the High Court or council as the case may be.