



## PROCEDURE FOR A CASUAL VACANCY FOR TOWN COUNCILLOR

### Stage 1

**When a vacancy arises on a Town Council due to a Town Councillor's death, disqualification or resignation, the process to fill the vacancy is as follows:**

The CEO notifies the Returning Officer at Forest of Dean District Council and posts a notice to the electorate. This notice runs for 14 days from the date the notice is displayed and gives the electorate the opportunity to call for a bye-election. The notice is to be displayed on the Town Council's noticeboard.

If ten or more electors call for a bye-election then an election is organised by the District Council and further notices are posted informing interested persons of how to apply to enter as a candidate in the election. The cost of a bye-election is borne by the Town Council.

### Stage 2

If an election is not called the Town Council is notified by the District Council to fill the position by co-option as soon as is practicable. **Or, if vacancies remain following a recent election the following procedure applies.**

The Town Council post a notice on the notice boards and on the website (*and in the Press if approved by Full Council*) to advertise a casual vacancy for a Town Councillor. This will include a closing date for applications to be received by the CEO.

When applications have been received the Town Council will consider the application letter(s) against its set criteria (copy attached). If the applicant is eligible and not disqualified the council will consider their co-option on a purely case by case basis. **Council may reject a candidate, but must have good reasons for doing so, but is still under an obligation to fill the vacancy.**

*[If there is more than one applicant, Lydney Town Council resolved NOT to follow NALC Guidelines/advice of Clerk (ref. Minutes dated 12/12 2011) **LGA 1972 Sch 12 para 39** - a substantive **majority** vote, but instead have resolved to co-opt the candidate receiving the highest number of votes].*

Voting may be by either in line with Standing Orders i.e show of hands, a paper ballot (counted in chamber) or 'closed' ballot if so requested by two members (this will be indicated on the meeting Agenda issued in advance of meeting). In the case of a 'closed ballot', voting slips will be collected by the CEO, who with an impartial witness will then count the votes in view of the 'open' meeting attendees, reporting the result directly to the Chairman.

If there is more than one vacancy and the number of candidates equals the number of vacancies, all the vacancies may be filled by a single composite resolution [*subject to consideration/the requirements contained within the given co-option criteria*], but if the number of candidates exceeds the number of vacancies, each vacancy must be filled by a separate vote or series of votes.

**The council is not obliged to consider the claims of candidates who were unsuccessful at a previous election.**

If, in the future council are unable to fill a vacant seat, as/when interest is shown in the vacancy the council will once again advertise the vacancy for a two week period before including such as an Agenda item for the next relevant Full Council meeting. The inclusion of such an Agenda item is subject to the applicant submitting their CV/covering letter.

### **Eligibility For Office (Currently displayed on Website).**

To qualify for election as a local councillor, and to hold such office, an applicant must be a Commonwealth citizen (which includes a British subject) or Euro national and on the relevant day (defined below) has reached 18 years of age AND

a) on that day he/she is, and thereafter continues to be, a local government elector for the area or the

authority; or

- b) he/she has during the whole of the 12 months preceding that day occupied, as owner or tenant, any land or other premises in that area; or
- c) his/her principal or only place of work during that 12 months has been in the area; or
- d) he/she has during the whole of those 12 months resided in the area; or
- e) he/she has during the whole of the 12 months preceding the relevant date resided within three miles of the parish or community.

The relevant day will be the day on which the person is nominated as a candidate and, if there is a poll, the day of election.

A person is disqualified for 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
- c) has within 5 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 has been sentenced to imprisonment (whether suspended or not) for not less than 3 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, or under the Audit Commission Act 1998 consequent upon audit proceedings.

### **Applying for a Casual Vacancy**

If you are interested in applying to the Town Council to fill the casual vacancy by co-option you need not wait until the notice (described in Stage 2) appears or its time limit expired. You can write to the Town Council directly expressing your interest in the casual vacancy and requesting it considers your application when it has authority to co-opt for the vacancy.

**Please note:** Candidates are expected to attend the Full Council meeting at which their application is to be considered in order that they may convey to Members why they wish to be considered for co-option at this time; their level of relevant expertise, experience, local knowledge etc,



## Appendix – Co-option Criteria

# Legal Briefing

L15-08

Name of Local Council		<b>Lydney Town Council</b>
Description of Office (may include particular committee membership or other responsibilities)		<b>Lydney Town Councillor</b> <b>[Full Council/Committee Membership]</b>
COMPETENCY	ESSENTIAL	DESIRABLE
<b>Relevant knowledge, Education, Professional Qualifications &amp; Training</b>	<ul style="list-style-type: none"> <li>• Sound knowledge and understanding of local affairs and the local community.</li> <li>• Other requirements as appropriate</li> </ul>	<ul style="list-style-type: none"> <li>• A levels/Degree level and or</li> <li>• Specific Vocational training or professional qualification (e.g. accountant, teacher, surveyor, architect) may be specified.</li> </ul>
<b>Experience, Skills, Knowledge and Ability</b>	<ul style="list-style-type: none"> <li>• Solid interest in local matters.</li> <li>• Ability and willingness to represent the Council and their community.</li> <li>• Good interpersonal skills.</li> <li>• Ability to communicate clearly both orally and in writing.</li> <li>• Ability and willingness to work closely with other members and to maintain good working relationships with all members and staff.</li> <li>• Good reading and analytic skills.</li> <li>• Ability and willingness to work with the council's partners (e.g. voluntary groups, other parish councils, principal authority, charities).</li> <li>• Ability and willingness to undertake relevant training.</li> <li>• Ability to work under pressure.</li> </ul>	<ul style="list-style-type: none"> <li>• Knowledge of HR, procurement, contract management, financial control or risk management and compliance, public relations</li> <li>• Experience of working in another public body or not for profit organisation</li> <li>• Experience of working with voluntary and or local community/ interest groups.</li> <li>• Basic knowledge of legal issues relating to town and parish councils or local authorities.</li> <li>• .</li> <li>• Experience of delivering presentations.</li> <li>• Experience of working with the media.</li> <li>• Experience in financial control/budgeting</li> <li>• Experience of staff management</li> </ul>
<b>Other requirements</b>	<ul style="list-style-type: none"> <li>• Ability and willingness to attend meetings of the council (or the meetings of other local authorities and local bodies) in the evening and events in the evening and at weekends.</li> <li>• Flexible</li> <li>• Enthusiastic.</li> </ul>	