



## **Vacancy and Co-option Policy and Procedure**

**Adopted 1<sup>st</sup> April 2025 Minute 216.24b**

## **1. Introduction**

Vacant seats following a 4-yearly election process are classed as “ordinary vacancies”. It is the responsibility of the Parish Council to fill ordinary vacancies within 35 days of the election (excluding Saturdays, Sundays and Bank Holidays).

“Casual” vacancies” are those which arise when a seat is vacated during the four year term. The six causes of a Casual vacancy are:

- i. Failure to complete a declaration of acceptance of office within the proper time.
- ii. When a notice of resignation has been received by the Chair of the Council. Such resignation takes effect upon receipt and is the effective date for the vacancy as there is no procedure for withdrawing a notice of resignation once received. The only exception being when the Chairman resigns, as they must resign to the whole council.
- iii. Death. The vacancy is deemed to have occurred on the date of death.
- iv. Ceasing to be qualified. This is when a Councillor has used their registration as an elector as the only qualification for nomination and they cease to be on the register. On the date of this declaration, the Council must declare the vacancy.

Note all other qualifications continue for the full term of office.

- v. Becoming disqualified - Through bankruptcy, office holding, surcharge, conviction, court order or being found guilty of corrupt or illegal practices in election law.
- vi. Failure to attend meetings. If a Councillor fails for a period of six consecutive months from the date of their last attendance to attend any meeting of the Council (including committees and 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.

## **2. Notice of Vacancy**

If a vacancy arises within six months of an election, the Council can agree to wait until the election to fill the vacancy.

In all other instances, the following process must be followed:

- i. The Clerk will inform Wiltshire Council that a vacancy has occurred with the details of who has resigned.
- ii. Wiltshire Council will send a Notice of Vacancy stating who and what has caused the vacancy, eg resignation, the date of the notice, the deadline for electors to call a by-election and the Returning Officer’s address.
- iii. The form is displayed on the Parish Council’s noticeboard and website.
- iv. Wiltshire Council will notify the Parish Council if a by-election has been called. If not, the Parish Council will be entitled to fill the vacancy by co-option.
- v. If a by-election is called by 10 or more electors, Wiltshire Council will be responsible for the election process and the cost of the election will be invoiced to the Parish Council.

- vi. For that by-election, Tisbury Parish Council must confirm to Wiltshire Council whether poll cards are required.

### **3. Co-option Process**

Co-option is the process by which the Parish Council selects a new Councillor. This is done by the inclusion of an agenda item at a monthly Parish Council meeting. The Parish Council entirely manages the process of co-option and strives to demonstrate that it is fair and equitable by following the procedure set out below:

- i. The Parish Council posts a notice on its noticeboard and website inviting interested candidates to write to the Clerk, by a specified date.
- ii. Upon receipt, the Clerk will check (as far as reasonably possible) that the candidate is eligible in accordance with the Local Government Act 1972, section 79-80.
- iii. Following receipt of eligible applications, the next Parish Council meeting will include an agenda item 'To receive written applications for the office of Parish Councillor and to consider co-opting a candidate to fill the existing vacancy'. Nominees do not have to be in attendance to put themselves forward for co-option.
- iv. If there is only one eligible applicant for a vacancy, the Council may resolve not to co-opt the applicant but must state the reason for its decision.
- v. If there is more than one candidate for a vacancy, the letters of application received are circulated to Councillors ahead of the meeting at which a Parish Councillor is to be co-opted.
- vi. At the meeting the candidates are invited to say something about themselves. A maximum of three minutes will be allocated to each candidate. Councillors will have the opportunity to ask them questions.
- vii. The Chair will ask the Councillors present to nominate any of the candidates. Candidates will require a proposer and seconder to progress to the voting stage. If there is only one vacancy to be filled, a Councillor may only nominate or second one candidate.
- viii. The Chair places the names of those nominated into alphabetical order and proceeds to the vote. Voting will be in accordance with Standing Orders by a show of hands and Councillors will have one vote per vacancy to be filled.
- ix. The first candidate to receive an absolute majority of those present and voting is declared elected.
- x. Should no single candidate receive a majority on the first vote, the person with the lowest number of votes is eliminated. Voting takes place on the remainder of the candidates (one vote per Councillor) until one person receives an absolute majority.
- xi. The successful candidate will be declared co-opted and, after signing their Declaration of Acceptance of Office form, will be invited to join the meeting.
- xii. Within 28 days of being elected, the new councillor will need to complete a Register of Interests form.
- xiii. The person co-opted will be a Councillor in their own right. A co-opted councillor is no different to any other member as co-option is a legitimate form of election as part of the election process.

## APPLICATION FOR COUNCILLOR

|                           |  |
|---------------------------|--|
| Full Name                 |  |
| Home Address and Postcode |  |
| Telephone Number          |  |
| Mobile Number             |  |
| Email Address             |  |

It is a condition of being a Councillor for Tisbury Parish Council that your name and council email address (an official email address will be supplied) be made public on Parish notice boards and website.

### Legal Qualifications for being a Councillor

To qualify you must be able to answer 'Yes' to both questions below

|                                                                                             |         |
|---------------------------------------------------------------------------------------------|---------|
| Are you a British Citizen, a Commonwealth Citizen or a Citizen of a European Union country? | Yes /No |
| Are you 18 or over?                                                                         | Yes /No |

To qualify you must be able to answer 'Yes' to at least one of the questions below

|                                                                                            |         |
|--------------------------------------------------------------------------------------------|---------|
| Are you on the Electoral Register for the Parish of Tisbury?                               | Yes /No |
| Have you lived in the Parish of Tisbury for at least a year?                               | Yes /No |
| Have you been the owner or tenant of land in the Parish of Tisbury for at least a year?    | Yes /No |
| Have you had your only or main place of work in the Parish of Tisbury for at least a year? | Yes /No |

### Disqualifications

You must be able to answer No to all the questions below to be eligible to serve as a councillor)

|                                                                                                                                                                                                                                                                 |         |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| Are you the subject of a Bankruptcy Restrictions Order or Interim Order?                                                                                                                                                                                        | Yes /No |
| Have you, within the last five years, been convicted of an offence in the UK, the Channel Islands or the Isle of Man which resulted in a sentence of imprisonment (whether suspended or not) for a period of three months or more without the option of a fine? | Yes /No |
| Are you disqualified by order of a court from being a member of a local authority?                                                                                                                                                                              | Yes /No |

Please briefly outline why you are interested in becoming a councillor.

Signed.....

Date: .....