

## **WEST SWINDON PARISH COUNCIL**

### **Casual Vacancies**

#### **1. Background**

- 1.1 In accordance with Section 87 of the Local Government Act, 1972, a casual vacancy in the Parish Council occurs when;
- a Councillor fails to deliver his/her declaration of office at the proper time, or
  - a Councillor resigns, or
  - a Councillor dies, or
  - a Councillor is disqualified, or
  - an election is declared void, or
  - a person ceases to be qualified to be a Councillor for a reason not above, or
  - a Councillor fails to attend meetings for six consecutive months

#### **2. Report Details**

- 2.1 Under section 87(2)(b) of the 1972 Local Government Act, in most instances of a casual vacancy arising, the Parish Council must give notice of it as soon as practicable in accordance with the legislation. If within 14 days after public notice has been given, at least 10 electors give written notice to the proper office to the principal authority (Swindon Borough Council) of a request for an election to fill the vacancy then a by-election must be held *except* where the vacancy occurs within six months before the date when the councillor in question would have regularly retired.
- 2.2 If no by-election is called, the council must as soon as practicable after the 14 day period, fill the vacancy by co-option. If the vacancy falls within the six month period the council may but need not, fill the vacancy. It must still give public notice of the vacancy.
- 2.3 January 2019 is now within 6 months of the scheduled date of retirement of all Councillors, so an election cannot be called for any vacancies that arise. The Parish Council may co-opt a person to fill the vacancy and any vacancy not filled by co-option remains vacant until the next ordinary elections.
- 2.4 If it's the decision of the Parish Council not to co-opt, the vacancy would than run until the election in May. If the Parish Council does co-opt, the person in the casual vacancy holds office until the person in whose place they are elected or appointed would regularly have retired (currently May 2019).
- 2.5 As the Casual Vacancy process does not fully apply between January 2019 and May 2019, it is proposed that co-option would be as follows:
- 2.3.1 The Chair agrees a date by which prospective candidates must write to the Clerk of the Parish Council expressing their interests in these casual vacancies.
- 2.3.2 The Casual Vacancy notice for Co-Option is advertised locally.
- 2.3.3 Notice of the Co-option is given in the agenda for the meeting of the Parish Council. Expressions of interest are circulated to members of the Parish Council for consideration. Any questions for candidates are submitted to the Chair prior

to the meeting. Any question will be asked equally of all candidates.

2.3.4 When the item is reached, the Chair should call for nominations, which should be duly proposed and seconded by Councillors present.

2.3.5 Candidates can be either interviewed or their Expression of Interest circulated at a Parish Council meeting.

2.3.6 Prospective candidates must fulfil the same criteria requirements as those for qualifications for candidature for an election.

2.3.7 When all the nominations have been received a vote should be taken.

2.3.8 A successful candidate will be that candidate whom received an absolute majority vote of those Present and voting.

### **3. Recommendations**

3.1 That Council notes the process for Co-option of Casual Vacancies

**Paula Harrison  
Parish Manager**