

CASUAL VACANCIES

Casual vacancies will be filled either by means of holding a by-election or by co-opting a new Councillor to fill the vacancy. Co-option is only permitted once the vacancy has been formally advertised, to allow local electors the opportunity to call a by-election if so desired.

B1. The Vacancy

Firstly, the town/parish council must advertise the vacancy. This should be done by displaying a notice, similar to the notice in Appendix 1. Copies of the notice should be displayed in places that are as conspicuous as possible within the parish and a copy of that notice must be sent **immediately** to the Returning Officer, Shropshire Council, Shire Hall, Shrewsbury. The town/parish council may also advertise the vacancy in any other manner they wish. **(Clerks must inform the Elections Office of any vacancies by e-mail to elections@Shropshire.gov.uk.)**

It is important to complete the notice correctly, paying particular attention to the dates on the notice. It must be displayed for 14 days from the date of the Notice, and when calculating the dates, it must not include weekends nor bank holidays.

B2. Filling the Vacancy by Election

During the 14 days when the notice is displayed, ten electors from within the parish (or relevant ward of the town/parish) can call for a by-election to be held. To do this, they will need to make their request in writing to *The Returning Officer, Shropshire Council*. A sample election request form is in Appendix 2; copies can also be downloaded from Shropshire Council's website.

In the event of this happening, Shropshire Council will notify the clerk. The Returning Officer will decide on the date of the election, which must fall within 60 working days from the date of the notice of vacancy.

In the case of a casual vacancy occurring within six months before the day on which that councillor would regularly have retired, an election is not held. The town/parish council may co-opt a person to fill the vacancy, but any vacancy not so filled, shall be filled at the next ordinary election.

B3. Official Poll Cards

Where the poll at a town/parish election is not combined with another type of election, the town/parish council may request the Returning Officer to issue poll cards for that election. A written instruction from the clerk (by e-mail) to the Elections Team will suffice, but it must be received by the close of the nomination period.

Where a town/parish election is combined with a Shropshire Council election, the poll cards will be issued for the county election but will refer to the town/parish election taking place on the same day.

B4. Filling the Vacancy by Co-option

If an election is not requested, the clerk will be notified that the town/parish council must co-opt a member to fill the vacancy as soon as practicable. Once a co-option has taken place:-

□ the name and address of the person co-opted should be sent to Shropshire Council's **Democratic Services Team** (not the Elections Team), as they keep full records of all current town and parish councillors.

□ a copy of their "Declaration of Personal Interest Form" must also be sent to the Shropshire Council **Monitoring Officer**.

If the number of casual vacancies leaves the town/parish council without a quorum, Shropshire Council may order an election to be held and in the meantime may by order appoint people to fill all or any of the vacancies until other councillors are elected and take up office.

B5. Co-Option, Best Practice

(i) Advertise the casual vacancies within the parish and local press.

(ii) Set a date by which prospective candidates must write into the chairman or clerk to the town/parish council expressing their interests in these casual vacancies.

(iii) Notice of the election by co-option should be given in the agenda for the meeting of the town/parish council.

(iv) When the item is reached, the chairman should call for nominations, which should be duly proposed and seconded.

(v) Candidates can be either interviewed, or their letter of interest read out to those present at the town/parish council meeting.

(vi) The prospective candidates must fulfil the same criteria requirements as those for qualifications for candidature for an election.

(vii) When all the nominations have been received, a vote should be taken. It is usual for the candidates' names to be put in alphabetical order. (Voting in council on casual vacancies is recommended).

(viii) The successful candidate should have received an absolute majority vote of those present and voting.

(ix) It follows, that if there are more than two candidates for one vacancy, and no one of them at the first count receives a majority over the aggregate votes given to the rest, steps should be taken to strike off the candidate with the least number of votes and the remainder should then be put to the vote again; this process should, if necessary, be repeated until an absolute majority is obtained.

(x) 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. However, if the number of candidates exceeds the number of vacancies, each vacancy should be filled by a separate vote or series of votes.

(xi) After the vote has been taken, the chairman should declare the candidate who received the highest number of votes duly elected.

(xii) The person elected must make a Declaration of Acceptance of Office before, or at, the first meeting of the town/parish council following his election in the presence of a member of the town/parish council or the Proper Officer of the town/parish council.

Note: There is nothing preventing councillors from approaching persons asking them to offer themselves for co-option, or even advertising for co-optee applicants. Potential candidates might be invited to provide a written “application” or to speak to the council prior to any voting. If such arrangements are to be applied, they should be carefully drafted and provided to applicants. It is imperative that all applicants are treated alike, in order that the arrangements are seen as fair. Applicants under such arrangements should be discouraged from any personal lobbying.

B6. Insufficient Nominations

Where an election has been requested to fill a casual vacancy and there are an equal number of candidates to seats available, that person(s) is elected unopposed, and takes up office immediately after the close of withdrawals.

B7. Term of Office

A person elected or co-opted to fill a casual vacancy holds office until the