

## **WEST SWINDON PARISH COUNCIL**

### **Casual Vacancies and the Co option Process**

#### **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

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 from that Parish Ward 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.

- 1.2 Councillor Simon Firth submitted a written resignation on 26 July 2021. The Casual Vacancy notice has been issued. If no by-election is called, the council must as soon as practicable after the 14 day period, fill the vacancy by co-option.

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

- 2.1 It is proposed that co-option would be as follows
- 2.1.1 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.
- 2.1.2 The Casual Vacancy notice for Co-Option is advertised locally (website, noticeboards, social media). Any prospective candidates will be asked to submit an expression of interest by a given date. Candidates will be asked to be present at the meeting where their application will be considered.
- 2.1.3 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. Candidates will be notified of questions in advance and any question will be asked equally of all candidates.
- 2.1.4 When the Agenda item is reached, the Chair will announce the name of the candidates received. To confirm that these candidates are nominated for consideration as a co-opted member of the Council, each name should be duly proposed and seconded by Councillors present in person.
- 2.1.5 Prospective candidates must fulfil the same criteria requirements as those for

qualifications for candidature for an election.

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

2.1.7 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**