



# Wivenhoe Town Council

## Casual Vacancy & Co-option Policy

Relevant legislation-Section 87(2) of the Local Government Act 1972

When a councillor resigns, dies or is disqualified during their term of office this creates a casual vacancy.

The procedure for dealing with casual vacancies is as follows:

- (a) The Town Clerk must inform the Returning Officer in writing of the circumstances. This can be done by emailing the Elections Office at [elections@colchester.gov.uk](mailto:elections@colchester.gov.uk).
- (b) Upon notification of a vacancy to the Returning Officer, the Town Clerk will display an official 'Notice of Vacancy' which is provided by the Elections Office and includes details of the relevant legislation. The Notice also gives a deadline for the submission of any requests for an election to be held.
- (c) Such requests are only valid if they are received by the Returning Officer at Colchester City Council within a period of 14 days (excluding bank holidays and weekends) following publication of the Notice. Apart from the time limit for requesting an election to fill a casual vacancy, such a request needs to be made by ten electors for the area concerned (if the parish or town is warded, that means ten electors from the ward in which the vacancy has arisen). The request must be signed by each of the ten electors and delivered to the Returning Officer at Colchester City Council, Rowan House, 33 Sheepen Road, Colchester, CO3 3WG.
- (d) If a request for an election is received, the Returning Officer will notify the Town Council as soon as possible and a by-election will be held in accordance with the Regulations. The Returning Officer will decide upon the date of the election, which must be held within 60 working days of the first date of publication of the Notice of Vacancy.

### Co-Option

If no request for an election is received, the 'Notice of Vacancy' expires after 14 days and the Returning Officer will inform the Council that no election has been called. The Council may then co-opt a new Councillor to fill the vacancy.

The process of co-opting a new Councillor to fill a vacant seat following a casual vacancy can only be carried out after the vacancy has been advertised using a 'Notice of Vacancy' and that notice has expired. There are, however, no procedures laid down in the legislation concerning how to go about co-opting someone to membership of the Council.

The following process has been agreed and adopted by Wivenhoe Town Council:

The Council will display on noticeboards, the Council website and Facebook Page an advertisement seeking expressions of interest for the vacancy. This is not to be confused with the 'Notice of Vacancy' which is a formal legal document. It would be helpful, but not compulsory, if applicants

could provide the Council in advance with a C.V. or a few notes about themselves, their experience or any other information that would help the Council make its' decision.

The advertisement will advise on the responsibilities and time commitments involved and specify the date by which applications should be received by the Town Clerk. Also stated will be that membership of the Town Council is open to British Citizens, Commonwealth Citizens, and citizens of other European Union member states who satisfy the statutory qualifications. These qualifications apply equally to candidates at an election and applicants for co-option. A candidate therefore qualifies if he or she is a registered elector in the Parish area or if, during the whole of the twelve months before the election or co-option, they have owned or been a tenant of any land or premises in the Parish, or if their principal or only place of work has been in the Parish, or if they have resided in the Parish or within 4.8km (3 miles) of it.

There is no upper age limit, but Councillors must be over 18 years when elected or co-opted. There are some disqualifications, such as being an employee of the Council or an undischarged bankrupt. (Details may be obtained from the elections office if required).

All applicants will be invited individually to an interview at a meeting of the Full Town Council. When all of the candidates have been interviewed, the Council will decide whom they wish to appoint by a vote and all applicants will be informed as soon as possible after that.

The person co-opted must receive an absolute majority vote of the councillors present and voting. Where there are more than two candidates for a vacancy, it may be necessary to run a series of votes, each time removing the candidate who has the least number of votes until one candidate secures an absolute majority.

The usual rules on voting will apply. Provided that the meeting has a quorum, the decision must be made by a majority of members who are present and voting. The person presiding over the meeting may vote and, if there is an equality of votes, they may exercise their casting vote. Members must vote by show of hands.

The Council's debate and vote on the co-option must be conducted in public. It follows that the candidates, as members of the public, will be entitled to be present during the proceedings. A person elected or co-opted to fill a casual vacancy holds office until the person in whose place they are elected or appointed would regularly have ended the term of office i.e until the next election.

**Adopted by Full Town Council on 26 April 2021**

**Last review date 12 August 2025**