

**Councillor Vacancy Procedure**

This procedure outlines the legal requirements and local arrangements for filling vacant seats at the Council.

**Vacancy Notice**

Once a Councillor vacancy has arisen a notice must be displayed as soon as practicable but in consultation with Dorset Council’s (DC’s) Elections Team to check legal dates. However, if the vacancy has arisen due to a death, it is courteous that the notice is not displayed until after the funeral has taken place.

A copy of the vacancy notice must be sent to the Returning Officer, Dorset Council, so that the progress can be monitored.

The vacancy notice must be displayed on the Town Council noticeboard for 14 working days (not counting Saturdays, Sundays, Christmas Eve, Christmas Day, Good Friday or bank holidays). During this time 10 electors may request an election by writing to the Returning Officer. (Local Government Act 1972.) During this 14 days steps should be taken to promote the information on social media and in the press.

After the 14 days, the Returning Officer will notify the Clerk in writing of the outcome. An election will only take place if 10 electors have requested it in writing.

If no election has been requested, then the Town Council must co-opt to fill the vacancy unless it is within 6 months of the forthcoming Town Council ordinary elections.(Local Elections (Parishes and Communities) (England and Wales) Rules 2006.)

If a vacancy occurs within 6 months of the Parish Council’s forthcoming ordinary elections then the election will not be held, however, the vacancy may be filled by co-option if wished, but the Council is not obliged to do so.

**Co-option Procedure**

This procedure is based on NALC Legal Briefing L15-08 – Good practice for selection of candidates for co-option to local Councils.

If a by-election has not been called the Council will ask for volunteers to fill the co-option. It should be by a notice on the website, social media noticeboard and in local press where possible asking for anyone wishing to serve as a Councillor to complete a short application form (Appendix A) which will include their reasons for becoming a Town Councillor together with their legal qualifications (citizenship / electoral register etc), a declaration and consent by a set date. This date should be no less than four weeks from the date the notice is issued and will be displayed on the notice. The Town Council will then consider all applications at the next Full Council meeting, or, with the agreement of the Mayor, at an additional Full Council meeting called for the purpose of considering applications.

Although seeking “expressions of interest” is not a legal requirement, the National Association of Local Councils (NALC) recommends that Councils always give public notice of vacancies because this makes the process of co-option open and transparent and should attract more potential candidates.

Please note it is a condition of a Councillor that a means of contact by telephone and e-mail will be public information. A Council email address will be provided. A Declaration of Interests Form must be completed and will be published and the Code of Conduct must be signed.

**At the co-opting meeting:**

The Town Clerk will confirm that each candidate is qualified to become a Councillor and is not disqualified from being a Councillor as set out in the Local Government Act 1972 s79 and s80;

Only Town Councillors present at the meeting may nominate, second or vote upon the person to fill the vacancy.

Councillors will receive a copy of the application form of those wishing to be considered as a Councillor. Councillors must then decide if they wish to nominate any of the persons named at the meeting.

A Councillor does not have to nominate any of the persons named. Any Councillor may nominate someone for the vacancy, provided the person is willing to be nominated and the nomination is seconded; that name may then be voted upon.

Voting to fill the vacancy is done by a show of hands. If there is only one vacancy, a Councillor may only nominate or second one candidate.

The Chairman should place the names of those properly nominated into alphabetical order and take a vote. Councillors only have one vote each. The first candidate to receive an absolute majority of those present and voting is declared elected.

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. (Local Government Act 1972)

The Town Clerk will approach and offer co-option to candidate(s) after the meeting. The Town Clerk will notify DCs Electoral Services of the new Councillor appointment, initiate ‘acceptance of office’ paperwork and ‘registration of interests’ on the Council website. Assuming that the co-option position is filled, and all paperwork completed, the co-option will be formally ratified at the next scheduled Full Council meeting.

If the post is not accepted, then the Council may consider the other nominations again. If no one accepts the vacant post(s), the whole process is to be repeated when new individuals expressing an interest are identified.

**CO-OPTED COUNCILLOR PERSON SPECIFICATION**

Personal Attributes

* Sound knowledge and understanding of local affairs and the local community.
* Forward thinking
* Can bring a skill, expertise or key local knowledge to the Council.

Experience, Skills, Knowledge and Ability

* Ability to listen constructively
* A good team player
* Ability to pick up and contribute to a variety of projects
* Solid interest in local matters
* Ability and willingness to represent the Council and their community
* Good interpersonal skills and able to contribute opinions at meetings whilst willing to see others views and accept majority decisions.
* Ability to communicate succinctly and clearly.
* Ability and willingness to work closely with other Members and to maintain good working relationships with all Members and staff.
* Ability and willingness to work with the Council’s partners (e.g. voluntary groups, other Councils, charities etc).
* Ability and willingness to undertake induction training and other relevant training.
* Basic knowledge of issues relating to Town and Parish Councils or local authorities

Circumstances

* Ability and willingness to attend meetings of the Council (or meetings of other local authorities and local bodies) at any time and events in the evening and occasionally at weekends.

Agreed: 13/01/2021

Last Reviewed: January 2021

Next Review: January 2022

APPENDIX A

Town Clerk

Weymouth Town Council

Council Offices

Commercial Road

Weymouth

Dorset

DT4 8NG

01305239839

email: office@weymouthtowncouncil.gov.uk

**APPLICATION FORM FOR THE ROLE OF WEYMOUTH TOWN COUNCILLOR**

|  |  |
| --- | --- |
| Full name |  |
| Home address  Inc. Postcode |  |
| Telephone number |  |
| Mobile number |  |
| Email |  |

It is a condition of being a Town Councillor for Weymouth Town Council that your phone number and email address (official email address will be supplied) be made public via notice boards and website.

LEGAL QUALIFICATIONS FOR BEING A COMMUNITY COUNCILLOR

QUALIFICATIONS

(To qualify you must be able to answer ‘Yes’ to both of the 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 Weymouth Town Council? | Yes / No |
| Have you lived either in the area covered by Weymouth Town Council, or within three miles of its boundary, for at least the last year? | Yes / No |
| Have you been the owner or tenant of land in the area covered by Weymouth Town Council for at least the last year? | Yes / No |
| Have you had your only or main place of work in the area covered by Weymouth Town Council for at least the last year? | Yes / No |

DISQUALIFICATIONS

(You must be able to answer No to all of 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 of why you are interested in being a community councillor.

Please tell us something about the life experience you will bring to the Council, for example, previous local government experience, work in the voluntary or charitable sector, business or trade union experience.

Please tell us something about the skills you feel you will bring to the Council, for example, professional qualifications, financial or project management expertise.

Are there any questions you would like to ask the council about your application or the role of Councillor?

Signed…………………………………………… Date: …………………………..