

1. Introduction

Vacant seats following the election process are classed as “ordinary vacancies”. It is the responsibility of the Council to fill ordinary vacancies within 35 days of the election (excluding Saturdays, Sundays and Bank Holidays).

“Casual’ vacancies¹” are those which occur when a seat is vacated during the four year term. The six causes of a Casual vacancy are;

- Failure to complete a declaration of acceptance of office within the proper time.
- When a notice of resignation has been received, a Councillor may resign at any time by written notice, there is no procedure for withdrawing a notice of resignation once it is made. The resignation takes effect upon receipt and this is the effective date for the vacancy. The only exception being if the Chairman resigns, as they must resign to the whole council.
- Death. The vacancy is deemed to have occurred on the date of death.
- Ceasing to be qualified. This is when a Councillor has used their registration as an elector as the only qualification for nomination, and they cease to be on this register. Note all other qualifications continue for the full term of office. The council must declare the vacancy forthwith and the vacancy deemed to have occurred on the date of this declaration.
- Becoming disqualified. Through bankruptcy, office holding, surcharge, conviction, court order or being found guilty of corrupt or illegal practices in election law.
- Failure to attend meetings. If a Councillor fails throughout a period of six consecutive months from the date of their last attendance to attend any meeting of the Council (including committees and sub committees or as a representative of the Council) they shall, unless the failure was due to some reason approved by the Council before the expiry of that period, cease to be a member of the Council. The effective date of the vacancy is the date declared by the Council.

2. Notice of Vacancy

2.1. If a vacancy arises within six months of an election, the Council can agree to wait until the election to fill the vacancy.

2.2. In all other instances, the following process must be followed:

2.2.1. The Clerk will send an email to elections@wiltshire.gov.uk to inform Wiltshire Council that a vacancy has occurred with the details of who has resigned and the reason.

2.2.2. Wiltshire Council will send a Notice of Vacancy stating who and what has caused the vacancy, e.g. resignation, the date of the notice, the deadline for electors to call a by-election and the address of the Returning Officer at Wiltshire Council.

2.2.3. The form is displayed on the notice board and the Council’s website.

¹ Local Government Act 1972, section 87.

2.3. Wiltshire Council will notify the Council if a by-election has been called. If not, the Council will be entitled to fill the vacancy by co-option.

2.4. If a by-election is called by 10 or more electors, then Wiltshire Council will be responsible for the election process and the cost of the election will be invoiced to the Council.

3. Co-option Process

Co-option is the process by which the Council selects a new Councillor and it is done as an agenda item within a monthly Council meeting.

- 3.1 The Council posts a notice on the Council Noticeboard and website inviting interested candidates to write to the Clerk, explaining why they would like to be a councillor and listing the principal skills and experience that they could bring to the role.
- 3.2 Upon receipt, the Clerk will check (as far as reasonably possible) that the candidate is eligible in accordance with the Local Government Act 1972, section 79-80.
- 3.3 Following receipt of eligible applications, the next Council meeting will have an agenda item to consider co-opting. Applications are circulated to councillors.
- 3.4 If there is only one eligible applicant for a vacancy, the Council may resolve not to co-opt the eligible applicant but it must state the reason why it made this decision.
- 3.5 At the Council meeting the candidates are invited to say something about themselves. Each candidate will be allocated a maximum of three minutes for this. Councillors will also have the opportunity to ask questions of the candidates.
- 3.6 By default, the Council will exclude the public and press (including the applicants) to allow members to consider the candidates and vote. Any member can propose this be varied.
- 3.7 The Chairman will request the Councillors present to nominate any of the candidates. Candidates will require a proposer and seconder to progress to the voting stage. If there is only one vacancy to be filled, a Councillor may only nominate or second one candidate.
- 3.8 The Chairman places the names of those nominated into alphabetical order and proceeds to the vote. Councillors will have one vote per vacancy to be filled.
- 3.9 If the Council has more than two applicants for one vacancy the successful applicant must receive an absolute majority of the votes. This means that the person elected must receive more votes than those for all the other candidates combined e.g. 4 people standing for one seat with 14 councillors voting:
Candidate A receives 5 votes
Candidate B receives 4 votes
Candidate C receives 2 votes
Candidate D receives 3 votes

There is no majority here because none of the candidates have more votes than all the other votes combined. In this situation Candidate C would be eliminated from the process

and the Council would vote again on Candidates A, B and D. It may mean that a similar process is repeated in second and subsequent rounds of voting.

3.10 Voting will be in accordance with Standing Orders by a show of hands and will continue until one candidate has received an absolute majority of those Councillors present. At this stage, the successful candidate will be declared co-opted and, after signing the Declaration of Acceptance of Office form, will be invited to join the meeting.

3.11 Within 28 days of being elected, the new councillor will also need to complete a Register of Interests form.

3.12 The person co-opted will be a Councillor in their own right. A co-opted councillor is no different to any other member as co-option is a legitimate form of election as part of the election process.