

# Draft Councillor Vacancy Policy

Author: Louise Harrison, Town Clerk, Ferndown Town Council, 11 March 2021.

## 1. Introduction

A council is obliged to fill a vacancy as soon as practicable after the vacancy occurs, in accordance with legislation as defined in the Local Elections (Parishes and Communities) (England and Wales) Rules 2006, SI 2006/3305 r 8(3) and the Local Government Act 1972 (LGA) Sch 12, para 3. Due and fair consideration will be also be given to advice and guidance as provided by bodies such as (but not limited to) the National Association for Local Councils (NALC), the Society of Local Council Clerks (SLCC) and Dorset Association of Parish and Town Councils (DAPTC).

Ferndown Town Council (Council) will follow a process which is fair, open and transparent and in compliance with the Equality Act 2010.

A vacancy must be advertised (see below) for a period sufficient enough for electors to call an election if they so choose. If the vacancy(ies) are not filled within a reasonable time period, the local authority (Dorset Council) has the power to appoint Members to bring the council to full membership. In Council's case there should be 17 councillors.

## 2. How does a vacancy occur?

A vacancy can occur for the following reasons:

- When insufficient candidates have stood for election during an election year. These vacancies should then be filled in pursuance of the Representation of the Peoples Act 1985 s21 [2][a].
- When a councillor resigns, dies or becomes disqualified. This is known as a casual vacancy which should be filled in pursuance of the Representation of the Peoples Act 1983 s36, LGA 1972 s89.

## 3. Qualifying criteria

Individuals must meet the eligibility criteria in accordance with the LGA 1972, s79 and must be:

- a British subject, or a citizen of the Commonwealth or the European Union AND
- on the 'relevant date' (i.e. the day on which you are nominated, or if there is a poll on the day of the election) be 18 years of age or over

ALSO

- be a local government elector for the Council area for which you want to stand on the 'relevant date' OR
- have occupied as owner or tenant any land or other premises in the Council area during the whole 12 months preceding that day OR
- had your principal or only place of work in the Council area during that same period OR

- have resided in the Council area during that 12-month period OR
- have lived within 4.8km (3 miles) of the Council area for the whole of the 12 months preceding the 'relevant date'

Council will seek and encourage applications from any individual meeting the qualifying criteria as detailed above. See appendix A for a description of the role.

#### 4. Advertising the vacancy

Council will advertise and promote the vacancy (Notice) for a four-week period as follows:

- on Council public notice boards
- on the Council website
- using a range of social media including Face Book
- local press

See appendix B for an example of an advert.

The co-option notice / advert will include the following details:

- the method by which applications can be made
- the closing date for all applications
- a contact point to obtain more information (ordinarily this will be the Town Clerk)
- provide details of how to find further information either electronically or in paper format.

A copy of the Notice will be delivered to the Returning Officer at Dorset Council, the responsible body for the election process, should an election be called (see below). If within 14 days from the date of the Notice, ten electors for the parish give notice in writing to the Returning Officer requesting an election, a bye-election will take place. The casual vacancy must then be filled by election and not co-option. If there is no request for an election Council will fill the vacancy by co-option.

#### 5. Applying for the vacancy

Candidates will be requested to complete a written application form (appendix C). Applications will ordinarily be made by a written submission by the candidate using an application form (available from the Council offices and online). The Council will have due consideration to the Equality Act 2010 and by discretion, may allow applications to be completed by 3rd parties and/or submitted by alternative means. All applications will be treated in accordance with General Data Protection Regulations 2018.

Candidates must complete a signed undertaking confirming that they meet the eligibility requirements as per those detailed above. This will form part of the application process and failure to complete this may render the co-option application invalid.

Candidates will be provided with an application form and information on the expectations of being a councillor.

Completed applications must be submitted to the Clerk no later than seven calendar days before the date of the Full Council meeting for which applications are to be considered and by noon of that day. The precise dates and times for submission will be included in the application pack. Late applications will not be accepted.

Following the closing date for applications, all eligible candidates will be invited to attend the Full Council meeting at which the vacancies will be considered.

If candidates are unable to attend this meeting, their application will still be considered in their absence. No alternative date or time for a meeting will be arranged.

All councillors will receive electronic copies of candidate applications which will be considered as strictly confidential papers as they will likely contain personal information relating to the candidate.

The vacancy process will be determined in a public session of Council and a specific agenda item will be set aside for applicants to make a brief, verbal presentation to Council in support of their application. A maximum of three minutes will be allowed per candidate.

Members may ask questions of the candidates following their presentations.

Following the conclusion of all presentations, councillors present at the meeting will proceed to the vote which will be in accordance with Council's Standing Orders. Standing Orders currently advise that voting should be by a show of hands however SOs (section 8a to c) does allow for a secret ballot.

Voting will be by individual candidate in alphabetical order. Each councillor will have one vote each.

If a candidate is a relative of a councillor, that councillor may declare a prejudicial interest and withdraw from the meeting.

A successful candidate must have received an absolute majority vote by those councillors present. In accordance with LGA Sch 12, para 39 an absolute majority is where the number of votes cast to any preferred candidate receives a majority over the aggregate votes given to the rest, i.e. – 11 votes cast, an absolute majority would require a candidate to receive 6 votes with the other 5 being split amongst other candidates.

If there are more than two candidates for one vacancy and not one of them at the first count receives a majority over the aggregate votes given to the rest, steps must be taken

to strike off the candidate with the least number of votes and the remainder must then be put to the vote again.

This process must, if necessary, be repeated until an absolute majority is obtained.

In accordance with Standing Orders, the Chairman may exercise their right to use a casting vote.

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, but if the number of candidates exceeds the number of vacancies each vacancy must be filled by a separate vote or series of votes.

The Council is not obliged to fill all vacancies but will take steps to advertise for further vacancies.

Successfully candidates become councillors in their own right, with immediate effect (subject to the signing of the declaration of acceptance of office) and are no different to any other councillor.

The elected members will be asked to sign a Declaration of Acceptance of Office to agree to be bound by the Council's adopted Code of Conduct. They may then take their seat at Council and will be appointed to a committee and as a representative to local organisations.

Any application can be considered in the candidate(s) absence, but if successful, the successful candidate and Clerk would need to agree for him/her to sign the Declaration of Office either before or at the next meeting.

As soon as practicable following their election, any newly appointed member will be invited to attend training with DAPTC.

## **Appendix A - Town Councillor Role Description**

Role: Town Councillor

Responsible to: The Town Council and its electors.

Responsible for: Effective leadership to foster the interests of their electors and town.

Role Purpose to: Represent the views of parishioners within and outside the town.

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Main duties and responsibilities:

1. To participate constructively in the government of Ferndown Town.
2. To participate fully in the formation and scrutiny of the Town Council's policies, budgets, strategies and service delivery including the Action Plan.
3. To ensure, with other councillors, that the Town Council is properly managed.
4. To keep up to date with significant developments affecting the Town Council at local, regional and national levels.
5. To promote the economic, social and environmental well-being of the town taking account of the strategic effects on other communities and the Town Council as a whole.
6. To represent effectively the interests of the ward for which the Councillor is elected and deal with parishioners enquiries, representations and complaints.
7. To represent the whole electorate; listen, and then represent the views of the whole community when discussing council business and working with outside bodies.
8. To take an active part in the Town Council's arrangements to build community capacity and promote measures that contribute to the Town Council's Vision.
9. To attend Town Council meetings.
10. To prepare for meetings and being properly informed about the issues to be discussed.
11. To take part in meetings and form sound judgements based on what is best for the community and then abide by majority decisions.
12. To represent the Town Council on outside bodies to which the Councillor is Appointed.
13. To maintain proper standards of behaviour as an elected representative of the people.
14. To fulfil the statutory and locally determined requirements of an elected member of a Local Authority and Town Council, including compliance with all relevant codes of conduct and maintaining high ethical standards, (including not disclosing confidential information and not using council resources for political purposes or for any other reason unless agreed by the Council)
15. To participate effectively as a member of any committee or working party to which the Councillor is appointed.
16. To contribute constructively to open government and democratic renewal to actively encourage to the town to participate generally in the government of the area and provide access to information where appropriate.
17. To uphold the Town Council's Standing Orders and ethical standards (ensuring that the impartiality of council staff is not compromised).
18. To produce an annual report to enhance their accountability to the public by providing details of official activities and the contribution made to the effective operation of the Town Council.

## Appendix B – Advert

XXXXXXXX 2021



**Make a change and represent your  
community – become a councillor**

Ferndown Town Council has two councillor vacancies - one will be filled by the election process on 6 May 2021 and the other by an internal application co-option process.

Town Councillors work together to set the policy direction of the Town Council by attending regular evening meetings where decisions are made on a range of matters including what services are delivered, where money is spent and what policies are implemented.

Ferndown Town Council has seventeen Councillors representing Central Ward, Central North Ward, Links, Links South Ward, Hampreston and Longham Ward, Ameysford Ward and Stapehill Ward. The current internal co-option vacancy is in Central North Ward and if co-opted you will represent the residents of Central North Ward and Ferndown as a whole.

You can stand for co-option as a candidate for a political party (you will need permission from your local party branch) or as an independent.

If you are interested in giving up some of your spare time to work with others, deliver community projects and shape the future of Ferndown please contact the Town Clerk for more information, help, eligibility criteria, role description and an application form on 01202 892249 or email [townclerk@ferndown.gov.uk](mailto:townclerk@ferndown.gov.uk).

The closing date for applications is XXXXXX 2021 12pm.

Louise Harrison, Town Clerk, Ferndown Town Council.

## Appendix C – Application form

<b>First name</b>	
<b>Surname</b>	
<b>Address</b>	
<b>Home telephone number</b>	
<b>Mobile number</b>	
<b>Email address</b>	

Please detail below why you consider you would be the best candidate for this vacancy. Points to cover should include the following:

- length of residence in the area if appropriate,
- membership and involvement with any community associations within the town or elsewhere,
- particular interests and concerns relating to the town,
- any professional or work-related experience which could be utilised for the benefit of the town.

If you wish to provide additional written information in support of your application this will be copied to all Councillors and treated in strict confidence. Please continue overleaf or on a separate piece of paper if necessary.

Please also confirm that you are:

- a British subject, or a citizen of the Commonwealth or the European Union  
**AND**
- on the 'relevant date' (ie. the day on which you are nominated, or if there is a poll on the day of the election) be 18 years of age or over

**ALSO**

- Be a local government elector for the Council area for which you want to stand on the 'relevant date' **OR**
- have occupied as owner or tenant any land or other premises in the Council area during the whole 12 months preceding that day **OR**
- had your principal or only place of work in the Council area during that same period, **OR**
- have resided in the Council area during that 12-month period **OR**
- have lived within 4.8km (3 miles) of the Council area for the whole of the 12 months preceding the 'relevant date'

**You cannot become a councillor if you:**

- are subject to bankruptcy order or interim order
- have, within five years before the day of application, been convicted in the United Kingdom of any offence and have had a prison sentence for a period of over three months
- work for the Town Council
- have been convicted of offences involving corrupt or illegal practices
- have been convicted for the failure to register or declare disclosable interests under the Localism Act 2011

I confirm that the information as given in this application is true and accurate and that I meet the qualifying criteria to become a Town Councillor:

Signed .....

Dated.....