



Casual Vacancies Policy & Procedure

Stage 1.

A Casual Vacancy is when a seat on the Council becomes vacant during the current term of the Council. Casual vacancies occur for one of six reasonsⁱ with the effective date of the vacancy depending on the reason for it.

ii

As soon as the casual vacancy occurs the Clerk will open a special folder in Dropbox and invite all councillors to view it.

The first document to be placed in the folder is to be the Timetable for Casual Vacancyⁱⁱⁱ with the dates in section 1 – Notice of Election and 2B – Co-option - completed accordingly.

On the Monday^{iv} following the occurrence of the casual vacancy the Clerk will publish the Notice of Vacancy^v. It is the legal responsibility of the Clerk to publish the notice of vacancy in “some conspicuous place or places^{vi} within the community area”. The notice will also be posted on MCC’s website as will the press release to the South Wales Evening Post.

Councillors who have opted in to receive alerts each time an article is published on the website will alerted to the posting of the Notice and article.

A notice will be published for each vacancy or for vacancies that occur at the same time (such as 2 resignations being handed in at the same time).

If a vacancy happens within 6 months of the next election of the full Council, then a Notice of Casual Vacancy still has to be posted, but there is no provision for an election to be called.

Following the publication of the Notice of Vacancy, 10 electors named on the Electoral Register (at the time of the request) for the electoral area in which the vacancy exists, can write^{vii} to the C&CS Returning Officer to request that an election takes place.

They have to do this within 14 days (excluding weekends and bank holidays) from the date of publication of the Notice of Vacancy (publication date counts as day ‘0’).

This request is open to public inspection and a copy can be made.

If an election is called C&CS take over and the procedure set out under Stage 2A below is followed.

If a request is not received in the 14-day period, Electoral Services will inform the Clerk that MCC must fill the vacancy by co-option as soon as practicable after the end of the 14 days and the procedure set out under Stage 2B below is followed.

Stage 2A

If a request is received, then an election must take place (on a date decided by the Returning Officer) within sixty days of the date that the Notice of Vacancy was published.

Clerk must advise Electoral Services that Poll Cards are required^{viii}.

The Clerk must also display all Election Notices in the area where the vacancy has occurred.^{ix} Failure to do so may lead to an election petition at a convened Electoral Court.

These Election Notices include:

- Notice of Election
- Notice of Poll
- Declaration of Result

If the election is uncontested, no notice of Poll is needed and the result is declared via a Notice of Uncontested Election.

All Election Notices are this is supplied as a PDF by C&CS Electoral Services.

All costs for a casual vacancy by-election will be recharged to MCC. Costs depend on a number of factors such as number of Electors, Postal Voting costs and staffing costs.

At a casual vacancy Section 35 of the Local Government Act 1972 does not apply and, as the seat is already vacant, the person elected will take up the office at the declaration that the Returning Officer makes. This will be either at the close of withdrawals, where only the required number of candidates or less are validly nominated (in this case the notice of uncontested election), or at the end of the count if an election is held.

All Councillor's term ends on the fourth calendar day after the next full election for the Community / Town Council (if this is a Bank Holiday Monday, the Tuesday becomes the end of term day). If a Councillor is elected at a by-election they also retire at this date.

Stage 2B

If a request is not received in the 14-day period, Electoral Services will inform the Clerk that the Community/Town council must fill the vacancy by co-option as soon as practicable after the end of the 14 days.

On the Monday following the notification from C&CS the Clerk will issue a Notice of Co-option^x.

It is the legal responsibility of the Clerk to publish the notice of co-option in “some conspicuous place or places^{xi} within the community area”. The notice will also be posted on MCC’s website as will the press release to the South Wales Evening Post

Those contacting the clerk will be sent an application pack which will also be available on the website. The pack will contain:

- A covering note detailing all the relevant dates and confirming what is required
- Guidance for Candidates^{xii}
- A Declaration of Availability for Interview
- A Declaration of Eligibility Form together with notes on completion^{xiii}

The full requirements as listed in the pack, must be returned to the Clerk within the time frame specified or the candidate will not be considered for the position. Likewise, the candidate must be available to attend the Special Meeting or they will not be considered for the position.

By the Wednesday following the last date of submission of documents, the Clerk will:

- Prepare a timetable for Interview
- Formally invite the candidates to attend interview
- Ensure that all applications are available in the special dropbox folder
- Issue a Summons to the Special Meeting

At the special meeting each candidate will be allocated a 20 minute slot, during which they will be asked a number of set questions^{xiv}. At the end of the questions, the interviewee will be asked to give a 3-minute speech on why they wish to become a Community Councillor.

The meeting will be open to the press and public.

Voting will be as laid out in Section 33 of Standing Orders – ‘Voting on Appointments’

On the Wednesday following the meeting, the Clerk will:

- Write to all candidates informing them of Council’s decision
- Issue a press release to the South Wales Evening Post and also place it on MCC’s website
- Add the Councillor’s details to the website
- Advise C&CS of the details of the co-opted councillor

Notes

i See Appendix A

ii See Appendix B

iii See Appendix C

iv See Appendix D for exceptions

v See Appendix E

vi See Appendix F

vii See Appendix G for C&CS produced template

viii It has been the policy of MCC for some time to issue poll cards

ix These will be displayed on MCC's website and as per the schedule detailed as Appendix F; in addition a press release will be sent to South Wales Evening Post which will also be published on MCC's website

x See Appendix H

xi These will be displayed on MCC's website and as per the schedule detailed as Appendix F; in addition a press release will be sent to South Wales Evening Post which will also be published on MCC's website

xii See Appendix I

xiii See Appendix J

xiv Questions to be agreed at the beginning of the Special Meeting