

## **Elections and Democracy – Casual Vacancies**

### **What is a casual vacancy?**

A casual vacancy is a vacant seat that occurs during the council term, therefore not in the usual all-out elections that happen every four years. A casual vacancy can occur due to:

- Failure to sign a 'Declaration of Office' on election. [Local Government Act 1972, section 83](#)
- Resignation.
- Death.
- Ceasing to be qualified. [Local Government Act 1972, section 79\(1\)](#)
- Becoming disqualified. [Local Government Act 1972, section 80, 81](#)
- Non-attendance at meetings. [Local Government Act 1972, section 85](#)

If a vacancy arises in Ashington Town Council, due to any of the above, there is a process, dictated by law, to declare the vacancy.

### **Casual Vacancy Process**

Depending on how the vacancy occurs, the proper officer of the council must produce a notice and make a formal declaration. In the case of resignation, the effective date is the date of receipt of the resignation, and the notice must be published 'as soon as practicable.' In the case of death, it is considered reasonable not to declare the vacancy until after the funeral. In all other cases there is no delay to this legal responsibility. The proper officer is responsible for publishing the notice and making the elections office aware.

It is the legal right of electors to request a by-election when a casual vacancy occurs ([Local Government Act 1972 section 89](#)). Neither the proper officer nor the body that is the council have control over this. To request a by-election, ten electors from the ward where there is a vacancy must write to the Returning Officer at Northumberland County Council Elections Office, as per the notice, within fourteen working days. The names of electors requesting a by-election can be sent as one list, or separately.

### ***No election requested***

If ten electors do not request an election, Ashington Town Council must co-opt. There is nothing in law to dictate the procedure for co-option, but the procedure must be transparent, and business conducted at the next meeting of the council, after the fourteen working days have passed. As with all decisions of the council, the matter will be placed on an agenda, and voted on; the decision will be made in the usual way, a majority of those members present and voting.

Those interested in being co-opted can canvas sitting councillors, put in writing their reasons for wishing to be a councillor, and address the council meeting where the matter is placed to be heard. A vote is taken, and the person with the majority will be co-opted. They must then sign a declaration of acceptance of office before they are officially a councillor.

### ***An election is requested***

If an election is requested by ten electors, the Elections Office at Northumberland County Council is responsible for the election process that follows. This includes preparing notices and confirming dates. Ashington Town Council is responsible for sharing and displaying any notices prepared. The Elections Office at Northumberland County Council will directly

receive any nominations and confirm to Ashington Town Council whether a by-election is to be held. A by-election will only be held if more than two people are nominated. If only one person is nominated, they are considered 'elected unopposed.'

### Eligibility to stand as a Town Councillor

