



Monmouthshire County Council
Guide to community and town
council bi-elections



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Introduction

This guide is aimed to provide anyone thinking of standing for election to a town or community council in Monmouthshire with the information that they need to understand the process of getting elected. The guide runs through the reasons for vacancies, the process for calling an election, eligibility to stand as a councillor and the co-option process.

This guide is to be read as a stand alone guide which concerns itself solely with the bi-election process. At the ordinary election of community and town councils, where all the seats are vacated and up for election usually every four years, separate guidance and community events will be produced that relate specifically to that election.

What is a Town or Community Council and what does it do?

A town or community council is a local authority that covers a specific area of Monmouthshire that can make decisions on local issues. A town or community are the same entity, just slightly different names depending on the demographics of the area they represent. For example Monmouthshire has five town councils, Abergavenny, Usk, Monmouth, Chepstow and Caldicot with the predominantly rural areas being community councils. A Council can either be unwarded and councillors represent the whole area, or warded where the council area is divided in to certain areas with councillors representing those areas.

Local councils can make decisions and have responsibility for a wide range of services that can really depend on the area that it covers and the issues within that area.

Why would a vacancy occur on Council?

Elections are held generally every four years to fill all seats on Town and Community Councils. During that period a vacancy may arise on the council for a number of reasons meaning that the council need to fill the vacancy. Vacancies can occur due to resignation of a councillor, death of a councillor and disqualification of a councillor.

How do I know when a vacancy occurs?

Whenever a vacancy for a town or community council occurs, a notice of vacancy will be published in the local notice boards as well as both County Council and Community/Town Council websites. The notice will state the council, and where applicable, ward where the vacancy occurs and details of how to call an election.

What's the difference between calling an election and a co-option?

In order for an election to be held to fill the vacancy on a community or town council, the Returning Officer requires the signatures of ten registered electors in the council, or if warded, the ward in which the vacancy has occurred. The signatures must be submitted within a timescale detailed on the notice of vacancy that is relative to the date the notice was published. This is known as calling the election.

A co-option, is where no request is received from the electors within the ward in which the vacancy occurred and the council will implement their own procedures for filling the vacancy.

How do I know if I am eligible to be a councillor?

In order to stand as a councillor, must meet the two below criteria:

- The person must have attained the age of at least 18 years and
- Be a British citizen, qualifying commonwealth citizen or a citizen of any other member state of the European Union

The candidate must also **meet at least one** of the following four qualifications on the day they are nominated and on polling day:

The candidate must:

- Be registered as a local government elector for the parish, community or town council area in which they wish to stand
- Have occupied as owner or tenant any land or premises in the parish, community or town council area during the whole of the 12 months before the day they are nominated
- Have their main or only place of work during the last 12 months within the parish, community or town council area
- Have lived in the parish, community or town council area, or within 4.8 kilometres of it, during the whole of the last 12 months

Disqualifications

Certain people are disqualified from being elected to the county or community council. A person cannot be a candidate if at the time of their nomination or election: (*Section 80, Local Government Act 1972*)

- They are employed by the local authority, parish, community or town council or hold a paid office under that council (including employments by any joint boards or committees).
- They are the subject of a bankruptcy restrictions order or interim order in England or Wales
- They have been sentenced to a term of imprisonment of three months or more (including suspended sentences) without the option of a fine, during the five years before polling day
- They have been disqualified under Part III of the Representation of the People Act 1983 or under the Audit Commission Act 1998.

A person may also be disqualified from election if they have been convicted or reported guilty of a corrupt or illegal practice by an election court or if they have been disqualified from standing for election following a decision of the Adjudication Panel for England or Wales.

The full range of disqualifications of candidates at local elections is complex and some exceptions may also apply. Any person who is unsure of whether they are disqualified from standing for an election should seek their own legal advice prior to submitting their nomination paper.

How do I call an election and what happens after that?

In order to hold an election to fill a vacancy, the Returning Officer must receive ten signatures from electors registered on the electoral roll from within the community council, or if warded the ward in which the vacancy is taking place, before the deadline stated on the notice of vacancy. A template

form for collating signatures to request an election is available on request from the Returning Officer but the request can be submitted in any format provided it is clear that the electors are requesting an election and contains their signature.

Once the request to hold an election is received, the Returning Officer will then set a date for the election and a timetable will be produced depending on the date the election is held. The Returning Officer will publish a notice of election that sets out the details of obtaining and submitting a nomination paper and the registration deadlines relating to the election.

Each person wishing to stand for election must submit a valid nomination paper to the Returning Officer within the specified timeframe which must contain the signatures of two electors from within the ward in which the vacancy occurs supporting their application. Upon submission of a valid nomination paper each candidate will receive an information pack informing them of the processes involved in the election and the timetable.

If more nomination papers are submitted than the number of seats up for election then an election will be held on the date selected by the Returning Officer. If the number of valid nomination papers are less than or equal to the number of vacancies then those people who submitted nomination papers are automatically elected to the council without the need for an election.

What happens during a co-option?

If following the deadline to request an election the required ten signatures are not received by the Returning Officer to hold an election, or if there are less valid nomination papers submitted than there are vacant seats, then the community or town council will begin their own process to appoint someone to fill the vacancy of councillor on the council. This process is known as co-option.

There is no set process in legislation that must be followed during the co-option process and the level of interest and ease of finding a suitable person to fill the vacancy will vary between each council. If you require information on the co-option process in a particular council area you should contact the clerk of the council for information.

What happens after I am elected or co-opted to a vacancy?

Once you have been elected to a seat on the council, the clerk of the community or town council will contact you to obtain the relevant information they require to send you the paper work for future meetings of the council.