

# Casual Vacancy – Good Practice Guide

## **(i) Vacancy Arises and the Effective Date of the Vacancy**

1. Failure to complete a declaration of acceptance of office within the proper time. This must be done before or at the first meeting of the Parish Council, unless the Parish Council permits otherwise. The effective date of the vacancy is the closing date for making declarations of acceptance of office.
2. When a notice of Resignation has been received. A councillor may at any time resign their office by written notice delivered to the chairman of the parish council. There is no special form for the notice. There is no procedure for withdrawing a notice of resignation once it is made. There is no need to report the resignation to the council for it to take effect. The resignation takes effect upon receipt, and this is the effective date of the vacancy.
3. Death. The vacancy is deemed to have occurred on the date of the death.
4. Ceasing to be Qualified. This would normally only occur where a councillor had used their registration as an elector as their qualification for nomination and election and where that qualification had been lost because they had ceased to be on the register of electors. As noted above, all other qualifications continue for the full term of office. The Parish Council must declare the vacancy forthwith, and the vacancy is deemed to have occurred on the date of this declaration.
5. Becoming Disqualified. Through bankruptcy, office holding, surcharge, conviction, court order or being found guilty of corrupt or illegal practices in election law.
6. 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 Parish Council (including committees, sub-committees or as a representative of the Parish Council), they shall, unless the failure was due to some reason approved by the Parish Council before the expiry of that period, cease to be a member of the Parish Council.

The effective date of the vacancy is the date declared by the Parish Council.

## **(ii) Public Notice.**

The Returning Officer will provide the public notice of the casual vacancy which the Parish Clerk must display as soon as practicable after the date on which the vacancy has been deemed to have occurred. Display the notice or notices for 14 days in a conspicuous place or places within the area of the parish/ward. You may wish to place a copy of the Notice in your Parish Magazine and on your Parish Website.

## **(iii) Co-option.**

Upon the expiry of the 14 working days in which the Notice of Vacancy has been displayed, the Parish Council may co-opt to fill a casual vacancy.

You may be contacted by Interested Persons whilst the notice of vacancy is displayed. These electors may not wish to call an election but maybe interested in standing via co-option. However, that person must be qualified to serve as a councillor.

In order for the Council to obtain expressions of interest from people in the community in becoming a Councillor, the Council can display its own form of advertisement to show that there is a vacancy that the Council wishes to fill. This is an informal notice to gain interest from potential co-optees and should not be confused with the official 'Notice of Vacancy'.

Interested persons should be fill in an application form and submit to the Clerk by a specified date before the public meeting. This application form can also ask for any person who wishes to be considered for co-option, to confirm their name to the Clerk and that they are qualified to be a member.

They should be invited to address the Council and the public for a period not exceeding 3 minutes before councillors vote.

In filling a vacancy by co-option, the Parish Council is not obliged to consider the claims of candidates who were unsuccessful at a previous election.

The person co-opted must receive an absolute majority vote of the Councillors present and voting. For example, where there is a council of eleven members and there are nine Councillors present and voting, the absolute majority is five.

Where there are more than two candidates for the vacancy, it may be necessary to run a series of votes, each time removing the candidate who has the least number of votes until one candidate secures an absolute majority.

The usual rules on voting apply. Provided that the meeting has a quorum, the decision must be made by a majority of members who are present and voting. Members must vote by show of hands unless the council has standing orders that provide otherwise.

The Parish Council's vote on the co-option must be conducted in the public section of its meeting.

It follows that the candidates, as members of the public, will be entitled to be present during the proceedings.

Co-option should be within a period of 60 days beginning with the day of which the Notice of Vacancy was dated.

#### **(iv) Election called**

If, within fourteen days (from date of notice) after public notice of the vacancy has been given, the Returning Officer receives a written request for an election signed by TEN electors for the Parish or for the Ward of the Parish if divided into wards an election must be held to fill the vacancy.

There is no prescribed form for this written request, direct any requests to the Returning Officer for further advice.

#### **(v) Election Process begins**

The written request will trigger the election process. The Returning Officer will set a date for polling day, and the election process will begin, with the publication of a notice of election, copies of which will be supplied to the Parish Clerk. That notice informs the electors where they may obtain nomination papers and the date by when they should be delivered.

It gives the dates by which applications to vote by post or proxy must be made. It also gives the date of the election in the event of a contested election. It is from this point that the Parish Council will start to incur the full costs that will arise from staging an election.

**(vi) Qualifications to be a Councillor**

A person is qualified to be elected and to be a councillor if they are a British, Commonwealth, Irish or European Union citizen and on the relevant day (that is, the day of nomination or election) they are 18 or over.

In addition, the person must meet at least one of the following criteria: -

(1) On the relevant day and thereafter they continue to be on the electoral register for the parish, or

(2) During the whole of the twelve months before that day they have owned or tenanted land or premises in the parish, or

(3) During the whole of the twelve months before that day their principal or only place of work has been in the parish, or

(4) During the whole of the twelve months before that day they have resided in the parish or within three miles of it.

Except for qualification (1), these qualifications then continue for the full term of office, until the next ordinary elections. Certain people are disqualified from standing, and these include paid officers (including the clerks) of the council, bankrupts and those subject to recent sentences of imprisonment.

Appendices attached:

1. Notice inviting applications for co-option
2. Application form to fill a casual vacancy for a councillor

**Appendix 1 Notice inviting applications for co-option**

**Date**

**NOTICE OF CASUAL VACANCY**

**ON**

**..... PARISH COUNCIL**

PERSONS INTERESTED IN BEING CONSIDERED FOR CO-OPTION TO FILL A  
VACANT SEAT ON THIS COUNCIL ARE INVITED TO APPLY TO:

The Parish clerk

..... Parish Council

ADDRESS

POSTCODE

Email

Tel

Applications to be received by .....

If you would like further information on the vacancy or the work of this Council, please  
contact the Clerk to the Council or any Member of the Council – details on Parish  
Council noticeboards/website

DATED .....

.....

Parish Clerk

## Appendix 2 Application form to fill a casual vacancy for a councillor

### ..... PARISH COUNCIL

Application to fill a vacancy for a councillor on the above council

**Clerk:** ....

**Address:** .....

If successful, you will be required to complete an entry in the parish council's register of members' interests. This involves putting your address, employment, relevant major share-holdings and membership of charities, pressure groups, political parties etc., on public record.

Full name of candidate	Mr/Mrs/Ms First name Other names Surname
Address of candidate	
Will you be at least 18 years old on the date of the meeting	Yes / No
In order for your eligibility to be confirmed please tick all of the following that apply to you  You must satisfy at least <b>ONE of following</b>  For full detail on eligibility please refer to your district council's electoral officer.	<ol style="list-style-type: none"> <li>1. On the current electoral register for the Parish/Ward (on-going requirement; you are required to remain on the register throughout your term of office)</li> <li>2. Have during the whole of the preceding twelve months occupied as owner or tenant, any land or premises in the parish</li> <li>3. Your principal or only place of work during the preceding twelve months has been in the parish</li> <li>4. Have during the whole of the preceding twelve months resided in the parish or within 3 miles of it</li> </ol>
Please indicate in no more than 250 words why you would like to join the Parish Council	
You would be disqualified if you are employed by the parish council, are subject to a bankruptcy Restriction Order, or have been convicted of a criminal offence with imprisonment for 3 months or more, including suspended, within the last 5 years.	<p>I am not aware of any disqualification to my serving as a Councillor</p> <p>Signed:.....</p> <p>Dated:.....</p>

