

GOOD PRACTICE NOTE

FILLING A CASUAL VACANCY AND CO-OPTING A NEW MEMBER

1. DECLARATION OF CASUAL VACANCY

A Casual Vacancy for Parish Councillor may arise for a number of reasons, such as the resignation or disqualification of a serving Councillor, and must be brought to the attention of the Parish Council and the vacancy formally declared by the Council. If the Council has not formally delegated urgent matters such as this to the Clerk, it must be brought before the Parish Council who, within a reasonable time which we suggest is 21 days, must declare the Casual Vacancy.

In the situation where the vacancy has arisen within six months before an election, the council may fill the vacancy by co-option but is not obliged to do so.

If the vacancy has arisen as a result of insufficient candidates at an election, the Council should follow a different procedure which is described in paragraph 6.

2. PUBLIC NOTICE

Immediately upon the declaration of a Casual Vacancy, the Clerk should post standard notices (available from WALC, £3.00 for pkt 10, £1.50 for pkt 5 plus postage, place an order and we will send with an invoice) at each notice board in the election area, which may be the Parish or Ward of the Parish. If in doubt about the election area the Clerk should contact the Returning Officer.

3. RETURNING OFFICER

The Returning Officer (of the relevant District or other second tier authority) is referred to in the standard notice of vacancy. The Returning Officer should be informed by telephone immediately the casual vacancy has been declared, followed by a copy of the notice by first class post not later than the day of posting the notice. By the 14th working day, counting the day of posting the notice as day one, the Returning Officer will telephone the Clerk to advise whether a bye- election has been properly called by ten electors of the election area or that the vacancy may be filled by co-option, to be confirmed by the Returning Officer by first class post within 3 working days. If there is to be a bye-election, all necessary action will be undertaken by the Returning Officer who within 3 working days of the election will advise the Clerk of the result in writing.

4. ADVERTISING THE NEED FOR CO-OPTION

In the event that the Clerk has been informed that an election has not been called and the period of vacancy has six months or more to run, it is good practice for the Clerk to post a second notice seeking candidates for co-option at each notice board in the election area. Contact details of the clerk to obtain further information. It is a good idea

to invite written applications, asking applicants to give reasons why they wish to become a councillor.

In addition, in the case of a larger election area, the Parish Council should publish this notice in the local newsletter or parish magazine. For a smaller election area, a note from the Clerk to each household in the parish may encourage more interest. It is recommended that the Clerk should keep a stock of the free of charge, leaflet "Making an Impact"- leaflet for prospective parish and town councillors, available from WALC.

5. FILLING THE VACANCY BY CO-OPTION

The Parish Council must consider to fill the Casual Vacancy by co-option as soon as practical after the statutory period of 14 days notice of the vacancy and if no bye-election has been declared. The Clerk must report the names of candidates to the Parish Council at this meeting. If there is more than one, the Parish Council must vote; they must do so by successive counts to eliminate the least successful candidate until the successful candidate has an absolute majority of those present and voting. Voting maybe by closed ballot if two members request. Closed ballot is undertaken by councillors voting on paper, which are collected by the clerk who with an impartial witness leaves the meeting to count the votes.

A candidate does not have to live in the ward of the parish where the vacancy has arisen, but must fill all the other qualifications to become a parish councillor. A council may reject a candidate, but must have good reasons for doing so, but is under an obligation to fill the vacancy.

The successful candidate becomes a member of the Parish Council upon signing the Declaration of Office and remains a Councillor until the next election of the Council or until he voluntarily resigns or becomes disqualified to hold the position of Councillor.

6. FILLING VACANCY CAUSED BY INSUFFICIENT CANDIDATES AT ORDINARY ELECTION

Provided those elected constitute at least a quorum (a quorum is three or one third of the total number of councillors, whichever is the greater) the council (i.e. those elected unopposed) may co-opt any person or persons to fill the vacancies. This power of co-option must be exercised within 35 days of the election, if it is not the district council *may* then exercise its powers to hold a further election or take other appropriate action to fill the vacancies. When working out the date for 35 days after the election the following days are not to be counted, Saturdays, Sundays, Christmas Eve, Christmas Day, Maundy Thursday, Good Friday, a Bank Holiday, and any day appointed for public thanksgiving or mourning.

A district council has wide reserve powers to do anything necessary to constitute a council properly, including the temporary appointment of councillors pending a further election. (In practice a district council would prefer to avoid the cost of incurring a further election).

In this situation it is not necessary to formally advertise the casual vacancy by public notice, as described in paragraphs 2 and 3, however it is good idea to advertise the fact that the council is seeking candidates for co-option as described in paragraph 4 . The procedure within council to fill the vacancy by co-option and as described in paragraph 5 is then followed.

[Home](#)