

# Casual Vacancies

## 1. Background

Ordinary elections are held every 4 years, in 2003, 2007, 2011, etc, and councillors are elected to serve a 4 year term of office.

A casual vacancy occurs when a parish/town councillor resigns, dies, ceases to become qualified, or becomes disqualified, at any time during the 4 year period.

The vacancy **must** be filled, either by election, or co-option, except during the last 6 months of the 4 year period, when the council **may** co-opt.

## 2. Vacancy

A casual vacancy can occur as a result of resignation (see Schofield\* 3.07.02), death (3.07.03), ceasing to be qualified (3.07.04), or becoming disqualified (3.07.05). (The latter two are not common).

Notice of resignation must be in writing, addressed to the Chairman of the Parish/Town Council, and is effective upon receipt by the Chairman. The Chairman's resignation goes to the Council, and is effective from receipt by the Council.

Once delivered in writing, even if a resignation quotes a date in the future, the resignation takes effect from the date on which the letter is received and may not be subsequently withdrawn.

## 3. Notice of Vacancy

A Notice of Vacancy must be published, by displaying it prominently within the parish.

The notice can be produced either by the Parish Council, or the Council.

Decide who is going to produce the notice.

If the Parish Council wants the Council to print the notice, decide how many copies are needed, and the date it will be published, allowing time for the post.

If a second vacancy arises, before the first co-option has taken place, each vacancy has to be advertised separately.

If a vacancy arises as a result of a death, it is treated in the same way as any other vacancy, except we would advise waiting to advertise until after the funeral.

## 4. Requests for Election

As explained on the notice of vacancy, we wait 14 working days from publication of the notice, for 10 electors from the parish to request an election. This can either be by one letter, or several.

If the Council receives the requests, we check that the electors are on the register. If they are, we then have to hold an election, within 60 days of the request for the election.

After expiry of the 14 day period, if there are no requests for an election, the Council will produce a letter to the Clerk, and will also send a Register of Interests (2007) form and Declaration of Acceptance of Office form.

The Clerk should let the Council know who has been co-opted.

## 5. Co-option

If there are insufficient nominations, the parish council must follow its own procedure for co-opting someone. The method is not prescribed, but we suggest that it should be fair and able to be demonstrated as fair.

SALC have produced a guidance note for Parish Councils.

Parish Councils can use whatever means they wish, for example approaching a previously unsuccessful candidate, inviting people, or looking for people, and then arranging for the person to be proposed, seconded, and voted onto the Parish Council. Anyone putting themselves forward for co-option does not have to be accepted.

The Parish Council **must** co-opt, as soon as practicable. This means that they can't wait, but should keep the matter on their agenda, and be actively seeking a person, until the vacancy has been filled.

SALC guidance, and Arnold-Baker, have guidance on the procedure to be followed by Parish Councils when voting, if there is more than one candidate for co-option.

\* Schofield's Election Law, published by Shaw & Sons