

Good practice notes for filling a casual vacancy on a parish council

When a casual vacancy occurs on the parish council it should be declared to the unitary authority who will liaise with the clerk to arrange the timetable for notices to be put up in the parish inviting local electors who wish to do so to request a bye-election to fill the vacancy.

If a bye-election is not requested within the 14 day period indicated on the notices then the unitary authority will advise the parish council that it should fill the vacancy by co-option as soon as practicable. If the remainder of the term before the next ordinary elections is less than 6 months the council is not required to fill the vacancy, although it could still choose to do so.

“As soon as practicable” means that the parish council should not delay unnecessarily, but should also take care to fill the vacancy in a way that, in their opinion, will best contribute to the work of the council.

Any-one who is eligible to be a local councillor (Local Government Act 1972 s.79), and is not disqualified from being a parish councillor (Local Government Act 1972 s.80) is eligible for to be co-opted onto the council (see below).

In order to be co-opted to the Council the prospective candidate needs to be eligible, and to be qualified to be elected a member of a parish council a person must be 21 years of age or over, and a British subject or citizen of the Republic of Ireland, and either:

- (i) be a local government elector of the parish, or
- (ii) have during the whole of the twelve months preceding the day on which he is nominated as a candidate occupied as owner or tenant any land or other premises in the parish; or
- (iii) his principal or only place of work in the twelve months preceding the day on which he is nominated as a candidate have been in the area of the parish; or
- (iv) have resided either in the parish or within 3 miles thereof during the whole of the 12 months preceding the day on which he is nominated as a candidate.

There are certain disqualification's for election, of which the main (see 5. 80 of the Local Government Act 1972) are:

- (a) holding a paid office under the local authority;
- (b) bankruptcy;
- (c) having been sentenced to a term of imprisonment (whether suspended or not) of not less than three months, without the portion of a fine during the five years preceding the election; and
- (d) being disqualified under any enactment relating to corrupt or illegal practice

The parish council will be fair and transparent in the co-option process. It is important that all candidates are offered the same opportunity when filling the vacancy.

The vacancy should be advertised as widely as possible, and any-one interested should be invited to write a letter of application to the council, setting out why they feel they would make a good councillor. There is nothing to prevent parish councillors suggesting to eligible members of the community that they put themselves forward for co-option, however, candidates should not undertake any lobbying.

At the parish council meeting when the co-option is to be resolved

- Notice of the intention to co-opt to be given on the agenda, and all councilors to have copies of any letters of application received.
- When the item is reached the Chairman should call for nominations. Each nomination should be proposed and seconded as required by Standing Orders. Councillors may propose/second more than one individual.
- A vote should then be taken. Candidates proposed should be put in alphabetical order.
- Each vacancy must be filled by an absolute majority of those present and voting. Absolute majority means that (votes in favour) must total more than (votes against + abstentions).
- Where there are a number of candidates to fill one vacancy it may be necessary to hold more than one round of voting, eliminating the candidate with the least number of votes until one candidate achieves an absolute majority of votes.
- If several candidates all receive the same number of least votes e.g. Candidate A, 3 votes; Candidate B, 2 votes; Candidate C, 2 votes, Candidate D, 2 votes it may be necessary to negotiate for withdrawals, or otherwise vote to eliminate two of Candidates B to D one by one, and then finally to vote between whichever of Candidates B to D is not eliminated, and Candidate A.
- Where a council is filling more than one vacancy, the above process should be repeated to fill each vacancy.
- Where the number of proposed candidates is the same as the number of vacancies to be filled it is acceptable to have one composite resolution to fill the vacancies en bloc.
- Newly co-opted councillors should take their seat as a councillor after they have had the opportunity to sign a Declaration of Acceptance of Office, complete an entry in the Members' Register of Interests.

The above was prepared in consultation with Bedfordshire Association of Town and Parish Councils.