

GUIDANCE ON FILLING A CASUAL VACANCY – PARISH/TOWN COUNCILS

Notification

The Parish Clerk should notify the Returning Officer as soon as possible after the vacancy has occurred. There is a legal requirement to declare the office of Councillor vacant within a “reasonable time” period after it has occurred.

The period within which a poll may be claimed begins with the date given on the notice and therefore, proper notification is important and steps should be taken to ensure that all notices are posted on the same date.

Claimed Poll

Ten electors for the parish may submit a request in writing to the Returning Officer to claim a poll. Please note that if the parish is warded, the ten electors must all be from the ward in which the casual vacancy has occurred. The poll must be claimed within 14 days of the public notification of the vacancy. The period of 14 days does not include Saturdays, Sundays, Christmas Eve, Christmas Day, Good Friday, a Bank Holiday and any day of Public Thanksgiving or Mourning.

The Returning Officer will determine an election date, following a request to fill the vacancy by a poll. The poll must take place within 60 days of the date given on the notice of vacancy.

No Poll Claimed

If no poll is claimed within the 14 day period of public notification, the Parish Council may fill the vacancy by co-option. The Parish Clerk will be notified in writing by the Returning Officer.

Voting on Casual Vacancies

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.

It may be good practice to publish a notice giving the date of the meeting which any applications will be considered by the Parish. This 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.

When filling the vacancy by co-option, a successful candidate must receive a majority of those present and voting at a meeting of the Parish Council. If there is more than one candidate for a vacancy, and no candidate receives a majority of the votes cast, the candidate with the least number of votes should be taken off the list of candidates and the vote taken again. This procedure should be repeated until a majority is obtained for a particular candidate.

If there is more than 1 vacancy and the number of candidates equals the number of vacancies, all the vacancies may be filled by a single resolution of the Council.

If a vacancy occurs within six month of the next ordinary Parish elections

A poll cannot be claimed if a vacancy occurs within six month of the next ordinary Parish elections. The Parish may, but is not bound to fill the vacancy by co-option.

Other Comments

Should a poll be claimed and an election held, the cost of that election shall be borne by the Parish Council. Details of the estimated cost of the election will be supplied on request. In the event of an election, the Parish Council must decide whether or not it wishes poll cards to be delivered to the electors of the Parish. Normal postal/proxy voting arrangements will apply.

If you require any further advice or assistance please contact the Electoral Services Office on telephone numbers (01636) 655222 or 655245.

You may also contact the Association of Local Councils on telephone number (01636) 816890 or visit their website at www.nalc.gov.uk

AW Muter
Returning Officer