

BADSWORTH PARISH COUNCIL CASUAL VACANCY POLICY

1. Once the resignation from Parish Council has been received, the next stage is that electors from the parish must be given the opportunity to call for a by-election to fill the vacancy. This part of the process is largely handled by the electoral registration department at the district council., although the clerk will need to put the relevant notices up in the parish to advertise the vacancy.
2. If a by-election is called, a polling station will be set up by the district council and the people of the parish will be asked to go to the polls to vote for candidates who will have put themselves forward by way of a nomination paper.
3. The first thing for the clerk to do is to contact the electoral department and explain that the council has a casual vacancy. The electoral officer will then advise that the clerk needs to put a notice in a conspicuous place in the parish (and also probably provide the council with a copy of the notice), informing parishioners of the vacancy and inviting them to call a by-election. If ten people write to the district council and request an election, then one will take place.
4. The parish council will pay the costs of the election (which is why there should always be some contingency in a council budget just in case the expense should arise during the year).
5. The people of the parish have fourteen days (not including weekends, bank holidays and other notable days), to claim the by-election, but the electoral officer will advise the clerk of the closing date.
6. When the closing date is reached, the notices can be taken down from public display. The district council should contact the council to let it know if a by-election has been claimed. If it has been claimed, the council and clerk need to have very little to do with the process apart from putting up notices when requested by the electoral officer.
7. There is every possibility, of course, that ten electors will not come forward to claim a by-election and, if this is the case, the district council will confirm that the council may co-opt a replacement councillor.
8. The co-option process is not entirely governed by legislation and therefore councils are encouraged to be open and transparent in the way in which they undertake to elect a councillor.
9. The following is an informal election process but councils can adopt a more formal process if desired including completion of an application form and holding an interview.
 - a) A notice is put up in a conspicuous place in the parish inviting people who are interested in being a parish councillor to write to the council. The council can

determine how long this notice is posted up for but should be a reasonable time (10-14 days should suffice).

b) Upon receipt, the council should check (as far as reasonably possible) that the candidate is eligible for public office in accordance with the Local Government Act 1972, section 79. In order for a candidate to be eligible, the candidate must:

- be 18 years old or over, and
- is an elector for the parish, or
- has resided in the parish for the past twelve months or rented/ tenanted land in the parish, or
- has his/her principal place of work in the parish, or
- has lived within three miles (direct) of the parish.

10. Under Section 80 of the same act there are disqualifications, these are around bankruptcy restriction orders and conviction of a criminal offence and been imprisoned. The council needs to be aware of these provisions but would probably be unlikely to have a candidate that was ineligible because of them.

11. Following receipt of applications, the next suitable council meeting will have an agenda item such as 'To receive written applications for the office of parish council and to co-opt a candidate to fill the existing vacancy'.

12. The council can choose how to manage this part of the process and may make its selection using information in the written application only, or it may invite the candidates to come to the meeting to talk about themselves. The council can also interview the candidates if it wishes to do so.

13. Councils need to be aware of the need for confidentiality in the co-option process. YLCA advise that the part where candidates speak to the meeting is not prejudicial to the public interest, however where the council is discussing the merits of candidates and inevitably their personal attributes etc., this could be prejudicial and for this part of the process, it is better for the council to exclude members of the press and public.

14. The councillors must vote in the normal way, i.e. there should be a proposer, a seconder and then a vote by a show of hands. Difficult though it may be because co-option is a very local issue, this part of the process is not prejudicial to the public interest and the public should be present for it.

15. The candidate will be voted in on a first past the post majority. Decisions can only be made for the co-option of Councillors at a legally, fully constituted meeting and the meeting should contain an agenda item 'To receive written applications for the office of parish council and to co-opt a candidate to fill the existing vacancy'.

16. The successful candidate will need to sign a Declaration of acceptance of Office before he/she can act as a parish councilor. The declaration also contains a statement that he/she will abide by the council's adopted code of conduct. A

copy of the code of conduct may be sent to candidates when their application letter is received so that they are aware of its content and are happy to sign it if and when elected. In addition, within 28 days of being elected, the new councilor will need to complete a Register of Interests form.

September 2018 (review September 2019)