

# South Walsham Parish Council

## Casual vacancy and co-option procedure

### Stage 1

When a vacancy arises on South Walsham Parish Council due to a Parish Councillor's death, disqualification or resignation, the process to fill the vacancy is as follows:

The Parish Council notifies the Returning Officer for Broadland District Council of the vacancy. The Returning Officer posts a notice to the electorate. This notice runs for 14 days from the date the notice is displayed and gives the electorate the opportunity to call for a by-election. This is displayed on the Parish Council's noticeboard and website.

If ten or more electors call for a by-election, then an election is organised by the Council and further notices are posted informing interested persons of how to apply to enter as a candidate in the election. The cost of a by-election is borne by the Parish Council.

### Stage 2

If an election is not called the Parish Council is notified by the Broadland District Council to fill the position by co-option as soon as is practicable. Or, if vacancies remain following a recent election the following procedure applies.

The Parish Council will undertake a skills audit to ascertain the knowledge/interests/skills required to compliment the existing Councillors and the future plans and responsibilities of the Council.

The Clerk will post a notice on the notice boards/website and/or in any newsletters to advertise a casual vacancy for a Parish Councillor. This may have a closing date for applications to be received by the Clerk.

Application forms will be available from the Clerk and should be completed and returned to the Clerk.

The application form will be circulated and considered by the Parish Council before the meeting at which the decision on co-option is to be made.

### Stage 3

Notice of the co-option should be given on the agenda for the relevant meeting.

At the relevant point in the meeting, the Chairman should call for nominations, which should be duly proposed and seconded and voted upon.

If the applicant is eligible and not disqualified they can be co-opted on to the Council.

If there is more than one applicant, the decision will be decided by vote at the meeting at which the co-option takes place.

If there is only one vacancy, a Councillor may only nominate or second one candidate. The chairman should place the names of those properly nominated into alphabetical order and take a vote. Councillors have only one vote each. The first candidate to receive an absolute majority of those present and voting is declared elected. Should no single candidate receive a majority on the first vote, the person with the lowest number of votes is eliminated, voting takes place on the remainder, one vote per councillor.

This continues until one person receives an absolute majority.

If there is more than one vacancy, a Councillor may nominate one person for each seat. Each Councillor has one vote per seat, i.e. two votes or three votes according to the number of vacancies.

The successful candidate is then declared co-opted to the Council by the Chairman.

A Declaration of Acceptance of Office must be signed to accept the role.

The Acceptance of Office is retained by the Clerk.

There is nothing preventing Councillors from approaching people to inform them of the vacancy or advertising the vacancy.

### **Eligibility For Office**

To qualify for election as a local councillor, and to hold such office, you must be a Commonwealth citizen (which includes a British subject) or a citizen of any member state of the European Union and on the relevant day (defined below) has reached 18 years of age AND

- a) on that day you are, and thereafter continues to be, a local government elector for the area or the authority; or
- b) you have during the whole of the 12 months preceding that day occupied, as owner or tenant, any land or other premises in that area; or
- c) your principal or only place of work during that 12 months has been in the area; or
- d) you have during the whole of those 12 months resided in the area; or within three miles of the parish or community.

The relevant day will be the day on which the person is nominated as a candidate and, if there is a poll, the day of election.

A person is disqualified for being elected as a local councillor or being a member of a local council if they:

- a) hold any paid office or employment of the local council or of a joint committee on which the council is represented; or
- b) have been adjudged bankrupt or has made a composition or arrangement with their creditors;
- c) have within 5 years before the day of election, or since their election, been convicted in the UK, Channel Islands or Isle of Man of any offence and has been

sentenced to imprisonment (whether suspended or not) for not less than 3 months without the option of a fine; or

d) is otherwise disqualified under Part III of the Representation of the People Act 1983 for corrupt or illegal practices.

### **Applying for a Casual Vacancy**

If you are interested in applying to the Parish Council to fill the casual vacancy by co-option you need not wait until the notice (described in Stage 2) appears or its time limit expired.

You can write to the Clerk of the Parish Council directly expressing your interest in the casual vacancy and requesting it considers your application when it has authority to co-opt for the vacancy.

Signed *P Crook*

Dated

*15<sup>th</sup> May 2023*

Chairman

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