Reminder of procedures for Parish and Town Council Casual Vacancies

Councils may find the following information helpful as a reminder of the procedures for filling of casual vacancies.

On the occurrence of the vacancy, a Notice of Casual Vacancy must be published by the Proper Officer of the Council. Copies of a pro-forma notice are available from South Kesteven District Council’s election staff.

The notice allows ten electors of the parish (or ward if the parish is warded) to request that an election be held to fill the vacancy. There is no prescribed form of wards for this request and a pro-forma request form is available from South Kesteven District Council’s election staff. It is helpful if the ten signatures are accompanied by printed names, address and electoral numbers from the current electoral register. The request is required to be sent to the Returning Officer of South Kesteven District Council and must be received within fourteen computed days (excluding weekends and bank holidays). The election must then be held within sixty days of the date of the notice of casual vacancy.

When a Notice of Casual Vacancy is published by a Council, please could a copy be sent to the elections team at South Kesteven District Council – this can be sent by post or by email to elections@southkesteven.gov.uk. This will ensure that the elections team are aware of the possibility of any request for an election being received from electors.

If a request is not received, then after the expiry of the fourteen day period, the council must co-opt a person to fill the vacancy as soon as is practicable.

In the case of a casual vacancy occurring the last six months before the ordinary elections, the council is required to give a notice of the casual vacancy but an election cannot be held. The council may co-opt if it wishes, leaving any unfilled vacancies to be filled at the ordinary elections.

If an election is called
The Returning Officer will set a date for polling day and the election process will begin with the publication of a notice of election, copies of which will be supplied to the clerk.

At parish and town council elections, the issue of poll cards to the electors is at the discretion of the parish or town council. The advantage of issuing poll cards is that this informs the electors of the impending election, allowing them to apply to vote by post if they need to, and hopefully, encouraging them to turn out on polling day. The down side is, of course, that the cost of printing and postage being recharged to the parish or town council. The request to issue poll cards must be received by the Returning Officer by the close of nominations.

Co-option
If a request is not received, then after the expiry of the fourteen day period, the town or parish council must co-opt a person to fill the vacancy as soon as is practicable. It is advisable that the Parish Council checks with South Kesteven’s election team after the expiry of the fourteen day period to confirm that a request for an election has not been received before proceeding to co-opt.

The town or parish council may co-opt whoever it pleases to fill a vacancy provided the person is qualified to be a councillor. Some councils advertise for expressions of interest in being co-opted. Although there is no legal requirement to do this, it is generally considered good practice to make the vacancy as widely known as possible.

The person co-opted must receive an absolute majority vote of the councillors present and voting. For example, where there is a council of eleven members and there are nine councillors present and voting, the absolute majority is five.

The usual rules on voting apply. Provided that the meeting has a quorum, the decision must be made by a majority of members who are present and voting. The person presiding over the meeting
may vote, and if there is an equality of votes they may exercise their casting vote.

The council’s debate and vote on the co-option must be conducted in the public section of its meeting. It follows that the candidates, as members of the public, will be entitled to be present during the proceedings.

Further assistance can be obtained from South Kesteven’s elections team on 01476 406078 or 01476 406542 or email elections@southkesteven.gov.uk.