



INGOLDMELLS PARISH COUNCIL

CASUAL VACANCIES/ CO-OPTION POLICY

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This policy sets out the procedure to ensure there is compliance with legislation and continuity of procedures in the Co-option of members to Ingoldmells Parish Council. The Co-option procedure is entirely managed by Ingoldmells Parish Council and the objective of this policy is to ensure a fair and equitable process is implemented

Casual Vacancies

According to section 87 of the Local Government Act 1972, a casual vacancy occurs when:

1. A Councillor fails to deliver his declaration of acceptance of office at the proper time
2. A Councillor resigns
3. A Councillor dies
4. A Councillor becomes disqualified or the expiry period for making an application or appeal or, if an appeal or application has been made, the date that any such application or appeal process comes to an end
5. On the date of a report or certificate of an election court that declares an election void
6. A Councillor fails to attend Parish Council-related meetings for six consecutive months

Notification

Ingoldmells Parish Council must notify the Electoral Services department of East Lindsey District Council that a vacancy has arisen

Under section 87(2)(b) of the Local Government Act 1972, the local Council must give public notice of all vacancies as soon as practicable after the casual vacancy is deemed to have occurred and in accordance with the requirements of section 232 of the Local Government Act 1972.

The Electoral Services department will publish the vacancy on their electronic noticeboard, as well as producing a Notice for the Parish Council to publish on its web site and any social media platform

Copies should also be displayed on physical noticeboards in the parish by the Clerk. This provides everyone with an opportunity to request an election if that is what they wish. The Electoral Services team will advise the Clerk of relevant dates and deadlines relating to the vacancy, which must be adhered to by law

The Clerk must confirm to Electoral Services when the notices have been published. Rule 5 of the Local Elections (Parishes and Communities) (England and Wales) Rules 2006, provides that on a casual vacancy occurring in the office of Parish Councillor, an election to fill the vacancy shall be held if within fourteen working days after the date of this notice has been given in accordance with section 87(2) of the Local Government Act 1972, notice in writing of a request for such an election has been given to the proper officer of the Council of the district within which the Parish is situated by TEN electors for the Parish. The electoral officer will advise the Clerk of the closing date

Once a poll has been requested for a casual vacancy, it is no longer permissible for a Parish Council to seek to fill such a vacancy by co-option, even if the initial poll does not result in any person being nominated for election

By-Elections

If a by-election is called, a polling station will be set up by East Lindsey 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

The Parish Council is obliged to pay the costs of the election. If more than one candidate is nominated, a by-election takes place; if only one candidate applies, they would be duly elected without a ballot (subject to eligibility)

Initiating Co-Option

If no by-election is called, the Electoral Services office from East Lindsey District Council will confirm to the Clerk in writing that the casual vacancy can be filled through the co-option process

The Parish Council must, therefore, as soon as practicable after the expiry of the 14-working day periods fill the vacancy by co-option of a suitably qualified

The exception to this rule is in the case of a casual vacancy occurring within six months of the day on which the Councillor would normally have retired from office.

In these circumstances, the Parish Council would wait until the next scheduled by-election

Ingoldmells Parish Council is not obliged to fill any vacancy and therefore even if it invites application for co-option, it is not compelled to select anyone from the candidates who apply

However, it is not desirable that electors in a Parish are left partially or fully under-represented for any significant length of time and this status would also not be beneficial for the effective and efficient workings of the council

Councillors elected by co-option are full members of the Parish Council

Eligibility of Candidates

The Parish Council may consider any person to fill a vacancy provided that:

- He/she is an elector for the Parish
- Has resided in the Parish for the past twelve months or rented/tenanted land or other premises
- Had his/her principal place of work in the Parish
- Has lived within three miles or 4.8 kilometres (direct) of the Parish

There are certain factors specified in section 80 of the Local Government Act 1972 that disqualify a person from being eligible for election/co-option as a Parish Councillor, namely:

- Holding a paid office under the Local Authority
 - Bankruptcy
 - Having been sentenced to a term of imprisonment (whether suspended or not) of not less than 3 months, without the option of a fine during the 5 years preceding the election
 - Being disqualified under any enactment relating to corrupt or illegal practices
- In addition, candidates found to be offering inducements of any kind will be disqualified from consideration

Applications

Members may point out the vacancies and the process to any qualifying candidate(s). Although there is no statutory requirement to do so, candidates will be requested to:

- Confirm their eligibility for the position of Councillor within the statutory rules by completing the eligibility confirmation as part of the co-option application form
- Submit information about themselves, with reference to the co-option application form and subject to the Parish Council's Data Protection Policy

Following receipt of applications, the next suitable Parish Council Meeting will have an agenda item:

'To receive written applications for the office of Parish Councillor and to co-opt a candidate to fill the existing vacancy'

- Copies of the candidates' applications will be circulated to all Councillors by the Clerk at least 3 clear days prior to the meeting of the Council when the co-option will be considered
- All such documents will be treated by the Clerk and all Councillors as Strictly Private and Confidential
- Candidates will be sent a full agenda of the meeting at which they are to be considered for
- If candidates are unable to attend, this meeting will not be rearranged

At the Co-Option Meeting

- Time will be set aside for candidates to make a brief verbal presentation to Members, outlining their relevant skills and experience. Each candidate will be allocated a maximum of three minutes
- These presentations will be open to the public
- Where the Council wishes to discuss the merits of candidates and inevitably their personal attributes, this could be prejudicial, and the Council will resolve to exclude the members of the press and public for a short period
- As soon as all candidates have finished giving their submissions, the Chairman will then place the names of candidates in alphabetical order and proceed to vote
- Only Councillors present at the meeting may vote upon a candidate to fill the vacancy
- If a candidate is a relative of a Councillor, that Councillor may declare a prejudicial interest and withdraw from the meeting
- Councillors will have one vote per vacancy to be filled
- The Council will proceed to a vote on the acceptability of each candidate being proposed and seconded by the Councillors in attendance and a vote by a show of hands
- For a candidate to be elected, it will be necessary for them to obtain an absolute majority of votes cast (50% + 1 of the votes available at the meeting)
- If there are more than two candidates and there is no candidate with an overall majority in the first round of voting, the candidate with the least number of votes will drop out of the process. Further rounds of voting will then take place with the process repeated until a candidate has an absolute majority
- If there is more than one vacancy and the number of candidates equals the number of vacancies, all the vacancies may be filled by a single composite resolution
- The Chairman has the casting vote
- After voting has been concluded, the Chairman will declare the successful candidate(s) duly elected and after signing their declaration of acceptance of office, they may take their seat immediately
- The Clerk will provide the new Councillor(s) with copies of the Code of Conduct, Standing Orders and Financial Regulations
- The Clerk will notify Electoral Services of the new Councillor appointment(s). The successful candidate(s) must complete the 'Registration of Interests' declaration within 28 days of being elected. The form should be handed to the Clerk for forwarding to the Monitoring Officer
- If insufficient candidates come forward for co-option, the process should continue, whereby the vacancies are again advertised

References And Statutory Context

This procedure uses as its references NALC Legal Topic Note LTN8 (June 2020) - Elections and Co-option, Legal Briefing Note LO3-20 and SLCC Advice Note AD 152 –Councillors: Election and Co-option.