

## **PROCEDURE FOR FILLING A CASUAL VACANCY FOR PARISH COUNCILLOR**

### **Stage 1**

When a vacancy arises on Reach Parish Council the process to fill the vacancy is as follows:

1. The Parish Council notifies the Returning Officer at ECDC of the vacancy.
2. The Returning Officer provides the Clerk with a notice which the Clerk adds the relevant detail and posts it on the village noticeboard(s). This notice runs for 14 working days from the date the notice is displayed and gives the electorate the opportunity to call for a bye-election.
3. If 10 or more electors call for a bye-election then it is organised by ECDC and further notices are posted informing interested persons of how to apply to enter as a candidate in the election. The cost of a bye-election is borne by the Parish Council.

### **Stage 2**

If an election is not called the Parish Council is notified by ECDC to fill the position by co-option as soon as is practicable using the following process.

1. The Parish Council post a notice on the notice boards and/or in the newsletter to advertise a casual vacancy for a Parish Councillor. This may have a closing date for applications to be received by the Clerk.
2. When applications have been received the Parish Council will consider the application letter(s). If there is only one applicant and that applicant is eligible they will be co-opted onto the Council. If there is more than one applicant, the decision will be decided by a vote of the Parish Council.

### **Eligibility**

To qualify for election as a local councillor and to hold such office, an applicant must be a Commonwealth citizen (which includes a British subject) or Euro national and on the relevant day (defined below) has reached 18 years of age AND

1. on that day is and thereafter continues to be, a local government elector for the area or the authority; or
2. has during the whole of the 12 months preceding that day occupied, as owner or tenant, any land or other premises in that area; or
3. has their principal or only place of work during that 12 months in the area; or
4. has during the whole of those 12 months resided in the area; or
5. has during the whole of the 12 months preceding the relevant date resided within three miles of the parish boundary.

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 the election.

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

1. they hold any paid office or employment of the local council (other than the office of Chairman) or of a joint committee on which the council is represented; or
2. they have been adjudged bankrupt or have made a composition or arrangement with their creditors
3. 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 have been sentenced to imprisonment (whether suspended or not) for not less than 3 months without the option of a fine; or
4. are otherwise disqualified under Part III of the Representation of the People Act 1983 for corrupt or illegal practices, or under the Audit Commission Act 1998 consequent upon audit proceedings.

### **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 to 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.