



CASUAL VACANCY POLICY

Adopted: 24th May 2022

Review: May 2023

INTRODUCTION

Within the four-year term between ordinary elections, there are times when not all the seats on Datchworth Parish Council are taken i.e. a casual vacancy exists.

This policy will explain how a casual vacancy arises and will lay out the administrative process that will be followed by Datchworth Parish Council.

WHEN DOES A CASUAL VACANCY ARISE?

A casual vacancy is deemed to have occurred:

- when a Parish Councillor resigns from office; or
- on the day of a Parish Councillor's death; or
- on a prospective Parish Councillor's failure to make their declaration of acceptance of office within a proper time; or
- on the failure of a Parish Councillor to attend a meeting of the whole council, committee or sub-committee, or joint committee, for a period of six consecutive months, without receiving approval from the council for the absence; or
- if a Parish Councillor holds a paid office or employment with the council; or
- if a Parish Councillor is the subject to a bankruptcy restrictions order or an interim bankruptcy restrictions order, or a debt relief restrictions order, or interim debt restrictions order; or
- if within five years before the day of the election or since election, a Parish Councillor has been convicted of an offence which has imposed a sentence of imprisonment of more than three months; or
- if a Parish Councillor is disqualified from being a councillor of a principal authority as a result of electoral offences; or
- when there are insufficient nominations at election; or
- when the election vote is declared void.

CASUAL VACANCY WITHIN SIX MONTHS OF AN ELECTION

If the period of vacancy is less than six months, Datchworth Parish Council is not required to fill the vacancy but can do so if it desires.

PUBLIC NOTICE OF VACANCY

Once a vacancy has been established, it must be declared as such by Datchworth Parish Council within a reasonable period of time.

Immediately upon the declaration of a Casual Vacancy, the Clerk of Datchworth Parish Council should contact the Electoral Officer to agree the formal date for displaying the notice of vacancy within the Datchworth parish.

The notice will be displayed for 14 days during which 10 electors of Datchworth Parish can demand that a poll takes place.

This by-election would be organised by East Herts District Council but paid for by Datchworth Parish Council.

East Herts District Council will notify the Clerk within 3 days after the notice deadline date whether an election will be held.

If an election has not been called, Datchworth Parish Council will seek to fill the seat by co-option.

RETURNING OFFICER

The Returning Officer (usually the Chief Executive of East Herts District Council) is referred to in notices.

The Clerk will normally communicate with the Electoral Officer who acts for the Returning Officer.

CO-OPTION ADVERTISEMENT

The Clerk will (as a minimum) display a notice within Datchworth Parish Council official noticeboards (on Datchworth Village Green by the crossroads, in the bus stop at Burnham Green, and in front of Datchworth Church) seeking candidates for co-option. Further methods for publicising a casual vacancy can also be employed.

Datchworth Parish Council will provide all candidates with the Parish Councillor Role Description document, together with the Application Form for Co-option to Datchworth Parish Council. Candidates are requested to email back a copy of their completed Application Form, by return (or as soon as possible) with an original copy to be returned by hand or in the post, as appropriate.

QUALIFICATIONS

The Clerk must check that the candidates for co-option meet with the rules on qualifications for elected members and are not disqualified.

To be able to stand as a candidate at a Datchworth Parish Council election, you must:

- be at least 18 years old on the day of your nomination
- be a British citizen, an eligible Commonwealth citizen, or a citizen of any other member state of the European Union
- meet at least one of the following four qualifications:
 - You are, and will continue to be, registered as a local government elector for Datchworth Parish Council from the day of your nomination onwards.
 - You have occupied as owner or tenant any land or other premises in the Datchworth parish area during the whole of the 12 months before the day of your nomination and the day of election.

- Your main or only place of work during the 12 months prior to the day of your nomination and the day of election has been in the Datchworth parish area.
- You have lived in the Datchworth parish area, or within three miles of it, during the whole of the 12 months before the day of your nomination and the day of election.

DISQUALIFICATIONS

You cannot be a candidate if at the time of your nomination and on the day of the election:

- You are employed by Datchworth Parish Council or hold a paid office under Datchworth Parish Council (including joint boards or committees).
- You are the subject of a bankruptcy restrictions order or interim order.
- You have been sentenced to a term of imprisonment of three months or more (including a suspended sentence), without the option of a fine, during the five years before polling day.
- You have been disqualified under the Representation of the People Act 1983 (which covers corrupt or illegal electoral practices and offences relating to donations) or under the Audit Commission Act 1998.

The full range of disqualifications is complex.

The Clerk should contact the Returning Officer at East Herts District Council Electoral Services (01279 655261) for advice if in any doubt about whether the candidate is disqualified.

COUNCIL MEETING

The Parish Council will consider the candidates for co-option, to fill the casual vacancy, in open session at the next Datchworth Parish Council meeting.

The Clerk must report the names of the candidates to Datchworth Parish Council and make available copies of each Application Form and any covering letter.

If they so wish, each candidate will have the opportunity to address Datchworth Parish Council for up to 2 minutes (maximum) at the meeting. Other candidates will be asked to not be present during each candidate's address.

VOTING

Akin to voting privacy at Local and General Elections, any voting will take place in closed session led by the Chair of Datchworth Parish Council.

A successful candidate must receive an absolute majority vote of those present at the Datchworth Parish Council meeting when the co-option is being made.

If the number of candidates exceeds the number of vacancies, Datchworth Parish Council must hold a ballot amongst Parish Councillors at the meeting.

They should do so by successive counts for each vacancy, and eliminate the least successful candidate, until the successful candidate has an absolute majority of those Parish Councillors present.

If there is an equality of votes at any time, the Chair of Datchworth Parish Council must use their casting vote.

Once back in open session, candidates will be informed whether their respective applications were successful or not.

The successful candidate(s) will then be asked by the Chair to verbally declare their acceptance of office, sign and hold up their "Declaration of Acceptance of Office" (for meeting attendees to witness) and will then be able to participate in the Datchworth Parish Council meeting.

After the meeting, the newly appointed Parish Councillor will post the signed original copy of their Declaration of Acceptance of Office to the Clerk.

The co-opted Parish Councillor will serve until the next ordinary election of Datchworth Parish Council.

The Clerk will notify Electoral Services of the new Councillor appointment, initiate "Acceptance of Office" paperwork and "Registration of Interests".

If no one accepts the vacant post(s), the entire process is to be repeated in the Parish when new individuals expressing an interest are identified (or until the next election).

This policy will be reviewed every year or earlier if so required by legislation or additional material.

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Approving committee: Full Council

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