

**WARBOYS PARISH  
COUNCIL**

**Review Cover Page**

The Casual Vacancy & Co-Option Policy was adopted by Warboys Parish Council on the 11th November 2024

Review Date	Reviewed By	Review Accepted By Full Council

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

- a) a councillor fails to deliver their declaration of acceptance of office at the proper time (see paragraph 11 below); or*
- b) a councillor resigns; or*
- c) a councillor dies; or*
- d) in the case of a councillor who is disqualified by virtue of a criminal conviction, under section 79 of the Local Government Act 2000 (Wales) or under section 34 of the Localism Act 2011 (England), the expiry of the 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;*
- e) on the date of a report or certificate of an election court that declares an election void;*
- f) a person ceases to be qualified to be a councillor for a reason not mentioned above; or*
- g) a councillor fails to attend meetings for six consecutive months.*

1. Upon a vacancy arising, the Clerks will promptly notify the Returning Officer at Huntingdon District Council and issue a notice of vacancy, detailing the 14-day period within which an election request can be made.
2. The Clerks will display the notice prominently on the council's notice boards, website, and other visible locations within the community.
3. At the next suitable council meeting, the vacancy and the outgoing member's departure will be formally recorded in the minutes
4. If within 14 days of the notice at least 10 electors give written notice to the Returning Officer, an election may be called to fill the vacancy. The Clerks will be informed by the officer at Huntingdon District Council if a bye-election is to be held. (please see election policy)
5. If no bye-election is called, the local council is able to fill the vacancy by co-option as soon as practicable.

#### **CO-OPTION PROCEDURE**

To be undertaken ONLY if the previous conditions are met for a casual vacancy.

1. The local council must do this if the vacancy has six months or more to run before the next election period. If less than six months, it is not bound to fill the vacancy.
2. A notice of co-option should be prepared by the Clerk and posted on the website, notice board or other prominent place.

3. The Clerks will collect responses from interested candidates and add the co-option as an agenda item for the next suitable council meeting. Candidates will be invited to attend this full council meeting, where the co-option process will take place.
4. Each candidate will receive a copy of the Council's current Code of Conduct and will be encouraged to attend the meeting to present a brief statement explaining their interest in the position. Attendance is not mandatory, however, and candidates who are unable to attend may have a statement read on their behalf by one of the Clerks.
5. During the meeting, candidates will have up to 3 minutes to deliver a statement outlining their reasons for wanting to serve as a councillor and how they believe they can benefit the community.
6. After each statement, council members may ask relevant questions to aid in their deliberation. Once questioning has concluded, candidates will no longer be permitted to address the Council.
7. Each vacant seat on the council is contested separately and the candidate that wins the seat must do so by an absolute majority of the votes cast.

## **CANDIDATE ELIGIBILITY**

*LTN 8, 19. A person is eligible to be co-opted provided they are qualified to be a councillor (see section 79 of the 1972 Act) and is not disqualified by section 80 of the 1972 Act.*

*Electoral Commission Candidates Guidance document: [Guidance for Candidates at Parish council elections in England | Electoral Commission](#)*

To be able to stand as a candidate at a parish council election you must:

- be at least 18 years old<sup>1</sup>
- be a British citizen, an eligible Commonwealth citizen, a citizen of the Republic of Ireland, a qualifying EU citizen or an EU citizen with retained rights<sup>2</sup>
- meet at least one of the following four qualifications:
  - You are, and will continue to be, registered as a local government elector for the parish in which you wish to stand from the day of your nomination onwards.<sup>3</sup> More information is set out in our guidance '[Being a registered local government elector](#)'.
  - You have occupied as owner or tenant any land or other premises in the parish area during the whole of the 12 months before the day of your nomination and the day of election.<sup>4</sup> More information is set out in our guidance '[Occupying as owner or tenant any land or other premises in the local authority area](#)'.
  - 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 parish area.<sup>5</sup> More information is set out in our guidance '[Your main or only place of work is in the local authority area](#)'.

- You have lived in the 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.<sup>6</sup> More information is set out in our guidance 'Living in the parish area (or within three miles of it)'.

There are certain people who are disqualified from being elected to a parish council. You cannot be a candidate if at the time of your nomination and on polling day:

- You are employed by the parish council or hold a paid office under the parish council (including joint boards or committees).<sup>1</sup> More information is set out in our guidance Working for a parish council
- You are the subject of a bankruptcy restrictions order or interim order.<sup>2</sup> More information is set out in our guidance Bankruptcy restrictions or interim order section.
- 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<sup>3</sup> and the ordinary period allowed for making an appeal or applications in respect of the conviction has passed. A person who is in the process of making an appeal or application in relation to the conviction is not disqualified at any time before the end of the day on which the appeal or application is disposed of, abandoned or fails by reason of non-prosecution.<sup>4</sup>
- You have been disqualified under the Representation of the People Act 1983 (which covers corrupt or illegal electoral practices). The disqualification for an illegal practice begins from the date the person has been reported guilty by an election court or convicted and lasts for three years. The disqualification for a corrupt practice begins from the date a person has been reported guilty by an election court or convicted and lasts for five years<sup>5</sup> unless at any time within that period a court determines that the conviction should not be upheld, in which case the disqualification ends at that time.<sup>6</sup>
- You are subject to the notification requirement of or under Part 2 of the Sexual Offences Act 2003, and the ordinary period allowed for making an appeal or application in respect of the order or notification has passed.<sup>7</sup> A disqualification set under s.81A of the Local Government Act 1972 will only apply to a person who is subject to any relevant notification requirements or relevant order made on or after 28 June 2022. A person who is in the process of making an appeal or application in relation to the disqualification is not disqualified at any time before the end of the day on which the appeal or application is disposed of, abandoned or fails by reason of non-prosecution.<sup>8</sup>
- You have been convicted of an intimidatory criminal offence motivated by hostility towards a candidate, future candidate or campaigner or holder of a relevant elective office.<sup>9</sup> The effect of a disqualification order is that the person will be disqualified from standing for, being elected to, and holding any relevant elective office for five years.

A person may also be disqualified from being or becoming a member of certain authorities<sup>10</sup> following a conviction under the Localism Act 2011.<sup>11</sup>

## **VOTING**

1. Any Member with a disclosable pecuniary or non-statutory interest in any candidate being considered for co-option must declare this interest during the Members' Interests section of the meeting. The Member should then leave the room for the duration of the co-option process and abstain from participating in any related discussions or decisions.
2. Any Member arriving partway through the proceedings, may remain in the room but should not take part in the voting as they would have not heard each of the candidates speaking.
3. A Council is not obliged to co-opt a person to the Council simply because he or she has expressed an interest in becoming a councillor. A Council may simply decide not to co-opt the person concerned and re-advertise the vacancy in the hope of inviting further expressions of interest.
4. The council is not obliged to consider candidates who have been unsuccessful at previous co-options.
5. Voting should be by show of hands, as per LTN 8, para 23 (NALC). It can be by a named vote in accordance with Standing Orders. The relevant extract from Standing Orders is below;

***3 s. Unless standing orders provide otherwise, voting on a question shall be by a show of hands. At the request of a councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question. Such a request shall be made before moving on to the next item of business on the agenda.***

6. If there are more than two candidates for one seat, one candidate must receive a majority vote over the combined votes for the other candidates i.e. if there are three candidates and seven councillors have voted: 4-3-2 the first candidate may have more votes than each of the others but does not have a majority of the others combined. In this example, the candidate with the least number of votes '2' would be struck off and the other two candidates would be put to the vote again.
7. This process is repeated as necessary until one candidate has absolute majority.
8. If there are several candidates and those with the lowest number of votes cast have the same number of votes, i.e. 3-2-2-2, it may be prudent to consider negotiating if anyone wishes to withdraw or consider striking them off one by one, in an order determined by a vote.
9. If more than 1 seat is vacant they must each be contested separately with the process above remaining the same.

## **ACCEPTANCE OF OFFICE**

- The successful applicant will be asked to sign the current Declaration of Acceptance of Office and then be allowed to sit at the table.
- Any unsuccessful Applicants must sit in the public area or may leave the meeting and will no

**SUPPORTED BY CURRENT  
NALC & CAPALC  
DOCUMENTS**

**WARBOYS PARISH  
COUNCIL**

11<sup>th</sup> November 2024

longer be permitted to address the Council.

Date of policy: November 2024

Approving committee: Full Council

Date of committee meeting: 11<sup>th</sup> November 2024

Supersedes: Co-Option Procedure

Policy effective from: 14<sup>th</sup> May 2024

Date for next review: March/April 2025