



UPTON & NORTH ELSALL PARISH COUNCIL
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CASUAL VACANCY & CO-OPTION POLICY

1. Purpose

This policy sets out the procedure to be followed by Upton & North Elmsall Parish Council when a casual vacancy occurs and explains how the Council will lawfully and transparently fill that vacancy, either by election or by co-option.

This policy operates alongside the Council's adopted Standing Orders and relevant legislation.

2. Definition of a Casual Vacancy

A casual vacancy arises when a Parish Councillor:

- resigns,
- dies,
- becomes disqualified,
- or otherwise ceases to hold office before the end of their term.

3. Notification of Vacancy

Upon receipt of a resignation or confirmation of a vacancy:

- The Proper Officer (Clerk) shall notify the District Council's Electoral Services team.
- The Proper Officer shall display the statutory notice in a conspicuous place within the parish (and, where appropriate, on the Council's website), informing electors of the vacancy and their right to request a by-election.

4. By-Election Procedure

- Electors have 14 working days (excluding weekends, bank holidays and other notified days) from the date of the notice to request a by-election.
- A by-election must be held if ten registered electors submit a written request to the District Council within this period.
- The cost of any by-election will be met by Upton & North Elmsall Parish Council.

- If a by-election is called, the District Council will manage the election process. The Parish Council's involvement will be limited to supporting statutory notices as required.

5. Co-option Procedure

If no valid request for a by-election is received within the statutory period, the District Council will confirm that the Council may fill the vacancy by co-option.

The Council is committed to an open, fair and transparent co-option process.

5.1. Invitation for Applications

- The Proper Officer shall advertise the vacancy in a conspicuous place within the parish, inviting applications from interested persons.
- The vacancy will normally be advertised for 10–14 days.

5.2. Eligibility Criteria

Applicants must be eligible under Section 79 of the Local Government Act 1972, meaning they must:

- be aged 18 or over; and
- satisfy at least one of the following:
 - be a registered elector for the parish; or
 - have lived in the parish for the preceding 12 months; or
 - have rented or tenanted land in the parish for the preceding 12 months; or
 - have their principal place of work in the parish; or
 - live within three miles (direct distance) of the parish boundary.
- Applicants must not be disqualified under Section 80 of the Local Government Act 1972.

5.3. Consideration of Applications

- Applications will be considered at a properly convened Parish Council meeting under the agenda item: *"To receive written applications for the office of Parish Councillor and to co-opt a candidate to fill the vacancy."*
- The Council may:
 - consider written applications only; or
 - invite applicants to attend a meeting to speak briefly about themselves.

5.4. Confidentiality

- Applicant presentations may take place in public.
- Where councillors discuss the merits or personal attributes of applicants, the Council may resolve to exclude the press and public in accordance with Standing Order 3(d).
- The formal vote and resolution must take place in public session.

5.5. Voting

- Co-option decisions must be made at a quorate meeting of the Parish Council.
- Voting shall be conducted in accordance with the Council's Standing Orders.
- The successful candidate shall be appointed by a simple majority vote.
- In the event of a tie, the Chair may exercise a casting vote, where permitted by Standing Orders.

6. Appointment and Acceptance of Office

- The successful candidate must sign a Declaration of Acceptance of Office before acting as a councillor.
- The councillor must agree to observe the Council's adopted Code of Conduct.
- A Register of Interests form must be completed within 28 days of appointment.

7. Record-Keeping

The Proper Officer shall retain copies of applications, declarations, and related documentation in accordance with data protection and information management requirements set out in the Standing Orders.

8. Review of Policy

This policy will be reviewed periodically by Upton & North Elmsall Parish Council and updated as necessary to reflect legislative changes or best practice.