**PARISH COUNCILS IN DARLINGTON**

**CASUAL VACANCIES IN THE OFFICE OF COUNCILLOR**

**STAGE 1**

Notice of Vacancy is produced by Darlington Borough Council and sent to Parish Clerk - Notice is displayed for 14 days (see B)

Parish Clerk to notify the Returning Officer (Elections Team) in writing of the name, reason and date of vacancy

Vacancy arises (see A)

**14 Days up**

OR

Election called

No election called

**STAGE 2 STAGE 2**

Election called (see D)

Parish Council to co‑opt

Co-option

(see C)

Returning Officer commences election process (see E)

Parish Clerk to inform Darlington Borough Council of the details of the Councillor they have co‑opted and the date of co‑option and forward Members’ Interest Form

Qualifications to be a Councillor (see F)

**A Vacancy Arises and the Effective Date of the Vacancy**

1. Failure to complete a declaration of acceptance of office within the proper time. This must be done before or at the first meeting of the Parish Council, unless the Parish Council permits otherwise. The effective date of the vacancy is the closing date for making declarations of acceptance of office.
2. When a notice of Resignation has been received. A Councillor may at any time resign their office by written notice delivered to the chairman of the Parish Council. There is no special form for the notice. There is no procedure for withdrawing a notice of resignation once it is made. There is no need to report the resignation to the Council for it to take effect. The resignation takes effect upon receipt, and this is the effective date of the vacancy.
3. Death. The vacancy is deemed to have occurred on the date of the death.
4. Ceasing to be Qualified. This would normally only occur where a Councillor had used their registration as an elector as their qualification for nomination and election and where that qualification had been lost because they had ceased to be on the register of electors. As noted above, all other qualifications continue for the full term of office. The Parish Council must declare the vacancy forthwith, and the vacancy is deemed to have occurred on the date of this declaration.
5. Becoming Disqualified. Through bankruptcy, office holding, surcharge, conviction, court order or being found guilty of corrupt or illegal practices in election law.
6. Failure to Attend Meetings. If a Councillor fails throughout a period of six consecutive months from the date of their last attendance to attend any meetings of the Parish Council (including committees, sub-committees or as a representative of the Parish Council), they shall, unless the failure was due to some reason approved by the Parish Council before the expiry of that period, cease to be a member of the Parish Council. The effective date of the vacancy is the date declared by the Parish Council.

**B Public Notice**

1. The Returning Officer will provide the public notice of the casual vacancy which the Parish Clerk must display as soon as practicable after the date on which the vacancy has been deemed to have occurred. Display the notice (or notices) for 14 days. When calculating the 14 day period it should be 14 working days, which excludes Saturdays, Sundays and Bank/Public Holidays. Darlington Borough Council will also display the Notice on the Council’s website. The Notice should be displayed in a conspicuous place or places within the area of the parish/ward. You may wish to place a copy of the Notice on your Parish website.

**C. Co-option**

1. Upon the expiry of the 14 days in which the Notice of Vacancy has been displayed, the Parish Council may co‑opt to fill a casual vacancy. You may be contacted by Interested Persons whilst the Notice of Vacancy is displayed. These electors may not wish to call an election but maybe interested in standing via co-option. However, that person must be qualified to serve as a Councillor.
2. The person co-opted must receive an absolute majority vote of the Councillors present and voting. For example, where there is a Council of eleven members and there are nine Councillors present and voting, the absolute majority is five. Where there are more than two candidates for the vacancy, it may be necessary to run a series of votes, each time removing the candidate who has the least number of votes until one candidate secures an absolute majority.
3. The usual rules on voting apply. Provided that the meeting has a quorum, the decision must be made by a majority of members who are present and voting. Members must vote by show of hands unless the Council has standing orders that provide otherwise.
4. The Parish Council’s debate and vote on the co-option must be conducted in the public section of its meeting. It follows that the candidates, as members of the public, will be entitled to be present during the proceedings.
5. Co-option should be within a period of 60 days beginning with the day of which the Notice of Vacancy was dated.

**D Election Called**

1. If, within fourteen days (from date of Notice) after public notice of the vacancy has been given, the Returning Officer receives a written request for an election signed by TEN electors for the Parish or for the Ward of the Parish (if divided into wards) an election must be held to fill the vacancy. There is no prescribed form for this written request, direct any requests to the Returning Officer for further advice.

**E Election Process Begins**

1. The written request will trigger the election process. The Returning Officer will set a date for polling day and the election process will begin, with the publication of a notice of election, copies of which will be supplied by the Parish Clerk. That notice informs the electors where they may obtain nomination papers and the date by when they should be delivered. It gives the dates by which applications to vote by post or proxy must be made. It also gives the date of the election in the event of a contested election. It is from this point that the Parish Council will start to incur the full costs that will arise from staging an election.

**F Qualifications to be a Councillor**

1. A person is qualified to be elected and to be a Councillor if they are a British, Commonwealth, Irish or European Union citizen and on the relevant day (that is, the day of nomination or election) they are 18 or over. In addition, the person must meet at least one of the following criteria :
   1. On the relevant day and thereafter they continue to be on the electoral register for the parish, or
   2. During the whole of the twelve months before that day they have owned or tenanted land or premises in the parish, or
   3. During the whole of the twelve months before that day their principal or only place of work has been in the parish, or
   4. During the whole of the twelve months before that day they have resided in the parish or within three miles of it. Except for qualification (1), these qualifications then continue to the full term of office, until the next ordinary elections. Certain people are disqualified from standing, and these include paid officers (including the Clerk) of the Council, bankrupts and those subject to recent sentences of imprisonment.

Useful reference points for Parish Clerks is :

National Association for Local Councils - [www.nalc.gov.uk](http://www.nalc.gov.uk)

For further information, contact the Elections Office: (01325) 406444 or email [elections@darlington.gov.uk](mailto:elections@darlington.gov.uk)

**Parish Councillors Declaration of Acceptance of Office Code of Conduct**

Every Councillor, whether elected or co-opted, must within 28 days of election or co-option, make a Declaration of Acceptance of Office before they can act as a Councillor.

The Parish Clerk must forward a copy of the Declaration to the Council’s Monitoring Officer at the Town Hall as soon as possible after the Declaration has been made.

**Parish Councillors Members’ Interests**

Every Councillor, whether elected or co-opted, must within 28 days of election or co-option, complete a Members’ Interest Form which should be forwarded to the Council’s Monitoring Officer by the Parish Clerk. Copies of the Form are available from the Elections Office at the Town Hall. Any changes in a Parish Councillor’s interests should be recorded in writing and forwarded to the Council’s Monitoring Officer at the Town Hall within 28 days of the change applying.