

Marston Sicca Parish Council

Vacancies arising on the Parish Council at other times - Casual Vacancies (and by-elections)

Vacancies might arise on a Parish Council for various reasons "between elections" (for example, a vacancy might arise due to the resignation or death of a Councillor or due to a Councillor's repeated failure to attend meetings or his/her disqualification). Such vacancies are referred to as "casual vacancies".

The **following procedure** is used in respect of all **casual vacancies** (except for casual vacancies arising within six months of an election):

- The parish council (i.e. the parish clerk) is responsible for publishing the notice of vacancy as soon as practicable and ensuring that it is displayed for the requisite time (i.e. a **14-working day** period, which excludes Saturdays, Sundays and bank/Public Holidays).
- The Parish clerk will use the [Notice of Vacancy](#) for this purpose. The completed notice will be copied and then displayed on the parish notice board and in any other convenient places in the parish. The parish clerk will make a note of the date that the notice is first displayed (as this date is relevant for elections/appointments).
- The Parish Clerk will write to Stratford-on-Avon District Council (Legal Department), or email and provide SDC with: (i) details of the vacancy (which councillor, which ward, and why); (ii) a copy of the notice; and (iii) the date from which it is displayed (this date will be particularly important if an election is required).
- **If on or before the date 14 working days from the date that the notice is displayed, Stratford-on-Avon District Council Legal receives a notice, signed by 10 electors** for Marston Sicca parish stating that they wish there to be an election, there must be an election. A precedent notice [requesting an election](#) should parish clerks be asked for one by electors. Further information on what will happen if a notice/no such notice is received, is set out below.

If SDC receive a valid notice requesting an election, then:

- SDC will contact the Parish Clerk to advise them that we will work out an election timetable and will send the Parish Clerk a further notice inviting nominations. The polling day for the election must be within 60 working days of the publication of the notice of vacancy, as decided by the Returning Officer.
- If only one nomination is received (or, in the case of multiple vacancies, if **only sufficient nominations to fill the vacancies** are received), the person nominated will be elected unopposed. (The Parish Clerk will then ensure that the requisite steps are taken in respect of this appointment.)
- If more than one nomination is received (or, in the case of multiple vacancies, **if more nominations are received than there are vacancies**), there will be an election. SDC will liaise with the Parish Clerk in these circumstances.
- If there is a by-election for a parish council and there are not enough candidates to fill the vacancies, any validly elected candidates are declared elected and there must be a new election to fill the remaining vacancies. The polling date for the new election will be within 35 working days of the date on which the poll would have been held if the first election were contested.

If no notice is received, then:

- As soon as practicable after the end of the 14-working day period, the Parish Council must fill the vacancy by co-option (Marston Sicca parish will check with SDC first, to ensure that no notice requesting an election has been received).
- This means that the parish council will, at its next meeting, consider the co-option of a person to the council. How a person will be co-opted and the process for this is laid out in the Marston Sicca Co-Option procedure. If we do not fill the vacant seat at the next meeting, it will remain a matter of business until the seat has been filled through the co-option process.
- If a Co-Option occurs the Parish Clerk will then ensure that the requisite steps are taken in respect of the appointment(s).