



Toppesfield Parish Council



Councillor Vacancy and Co-option Procedure

To ensure that a fair and transparent process is undertaken, the procedure below will be followed by Toppesfield Parish Council:

1. In the event of a casual vacancy being deemed to have occurred on Toppesfield Parish Council (*see below for reasons for a casual vacancy occurring), the Clerk will declare that such a vacancy exists without recourse to a meeting of the Parish Council.
2. The Clerk will notify the Electoral Services Office at Braintree District Council and will publicly display a Notice of Vacancy. In the case of a casual vacancy occurring due to death, the notice may be delayed for a respectful period.
3. If a casual vacancy arises within six months of the day when the councillor whose office is declared vacant would ordinarily have retired, then no bye-election may be demanded. As the Parish Council is permitted either to advertise the vacancy for co-option or to leave the office vacant until the date of the next ordinary election, the Parish Council will be asked at its next suitable meeting which option it wishes to pursue.
4. If, in the period of time required by legislation following the publication of the Notice of Vacancy (at present 14 working days), the Returning Officer at the District Council receives 10 letters from electors claiming a bye-election, the election process will commence and a bye-election will take place within 60 days of the notice of vacancy. The District Council will make all the necessary arrangements for such a bye-election.
5. If the Returning Officer does not receive 10 letters from electors calling for an election to be held, then the co-option procedure will commence with step 6.
6. It is required that the vacancy be filled as soon as practicable after the expiry of the notice period in step 4 above and the Clerk will normally invoke this procedure without further recourse to a meeting of the Council.
7. The vacancy to be filled by co-option will be advertised on the Parish Council's noticeboard and on the Parish Council's website (and/or other local media deemed appropriate) within 21 days of the end of the time for the notice period in step 4 above. The co-option advertisement notice will give interested parties 14 working days to notify the Parish Council that they wish to be considered for co-option.
8. All candidates will be expected to put their request for consideration in writing with a summary about themselves, which may include: reasons for wishing to be a councillor; previous community/council work; any other skills they can bring to the Council, their interests and recent career history by way of completing a short application form (A copy of which is attached).

This Councillor Vacancy and Co Option Procedure was adopted by Toppesfield Parish Council on 5th February 2026

Signed by Chair: P. [REDACTED]

Minute Ref: 26/23.7
mejs

Review Date: May 2028

All candidates must also confirm their eligibility for the position of councillor within the statutory rules. A copy of which is attached.

9. Candidates found to be offering inducements of any kind to members or officers of the Parish Council will be disqualified.

10. Applications for co-option will be considered by the next suitable meeting of the Council, following the expiry of the co-option advertisement notice.

11. Candidates will be expected to make every effort to attend the meeting at which the Parish Council proposes to appoint the co-opted member.

12. Discussion about the applications will take place in Council session without intervention from the candidates or public.

13. A vote will then be taken by signed ballot and all candidates will be considered.

14. If there is more than one candidate, the candidate with the least number of votes cast will be deleted and the vote taken again until the number of candidates equals the number of vacancies. The successful candidate/s must have received an absolute majority vote of those present and voting.

15. The Council reserves the right not to make a co-option.

16. Candidates will be furnished with a full agenda of the meeting at which they are to be considered for appointment. The successful candidate/s will be appointed and sign their Declaration of Acceptance of Office and can then act as a councillor in line with normal election procedures.

17. The Register of Interest will be completed within 28 days and a copy passed on to the monitoring officer at Braintree District Council. The newly appointed councillor will be provided with an induction pack to include the Code of Conduct, Standing Orders and Financial Regulations of the Council.

*A casual vacancy is deemed to have occurred

a) When a councillor fails to make the declaration of acceptance of office within the proper time

b) When a notice of resignation is received

c) On the day of his/her death

d) In the case of a disqualification under the Audit Commission Act 1998 or under the Local Government Act 2000, s79 or by virtue of a conviction on the day when either the time for appeal or application for relief expires, or such appeal or application is dismissed or abandoned

e) In the case of an election being declared void, upon the date of the report or certificate of the election court

f) Where a person ceases to be qualified, or becomes disqualified for any reason other than conviction or order, or is persistently absent from meetings, upon the date when the office is declared vacant by the High Court or council as the case may be.

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Signed by Chair: P.J.T. [Redacted]

Minute Ref: 26/23-7

Review Date: May 2028



Toppesfield Parish Council

Councillor Vacancy Co-option Application Form

Name: _____

Address: _____

Tel: _____ Mobile: _____

Email: _____

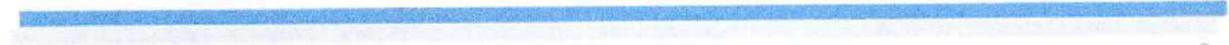
Are you over 18? Yes / No

What experience can you bring to Toppesfield Parish Council and what in particular would you like to be involved with? (Please use an additional sheet if necessary)

Signed: _____ Dated: _____

Please return your completed form, together with your eligibility form to: The Parish Clerk, Toppesfield Parish Council, C/O Toppesfield Village Hall, Church Lane, Toppesfield, CO9 4DR no later than: _____

Alternatively, please email your completed form to: clerk.toppesfieldparishcouncil@gmail.com



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Signed by Chair: *PJT* _____ Minute Ref: 26123-7

Review Date: May 2028

Councillor Vacancy Co-option Eligibility Form

1. In order to be eligible for co-option as a Parish Councillor you must be a British subject, or a citizen of the Commonwealth or European Union. You must be 18 years of age or over on the "relevant date", that being the day on which you are nominated. You must additionally be able to agree with the following qualifications set out below:
- a. I am registered as a local government elector for the parish OR
 - b. I have, during the whole twelve months preceding the date of my co-option, occupied as owner or tenant, land or other premises in the parish OR
 - c. My principal or only place of work during those twelve months has been within the parish OR
 - d. I have, during the whole twelve months resided in the parish, or within three miles of it

Please circle all those criteria that apply to you

2. Please note that under Section 80 of the Local Government Act 1972, a person is disqualified from being elected as Local Councillor or being a member of a Local Council if he / she:
- a. Holds any paid office or employment of the local council (other than the office of Chairman) or of a joint committee on which the Council is represented OR
 - b. Is a person who has been adjudged bankrupt or has made a composition or arrangement with his / her creditors (but see below) OR
 - c. Has within five years before the day of election, or since his / her election, been convicted in the UK, Channel Islands or Isle of Man of any offence and has been sentenced to imprisonment (whether suspended or not) for not less than three months without the option of fine OR
 - d. Is otherwise disqualified under Part III of the Representation of People Act 1983 for corrupt or illegal practices.

This disqualification for bankruptcy ceases in the following circumstances:

- a. If the bankruptcy is annulled on the grounds that either the period ought not to have been adjudged bankrupt or that his / her debts have been fully discharged OR
- b. If the person is discharged with a certificate that the bankruptcy was caused by misfortune without misconduct on her / her part OR
- c. If the person is discharged without such a certificate

In a and b above, the disqualification ceases on the date of the annulment and discharge respectively. In c above, it ceases on the expiry of five years from the date of discharge.

I (insert name) _____ hereby confirm, that I am eligible to apply for the vacancy of Parish Councillor and that this information given on this form is a true and accurate record.

Signed: _____ Dated: _____

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Signed by Chair: *P. J. [Signature]* Minute Ref: _____

Review Date: May 2028