



EASTSUFFOLK
C O U N C I L

Town & Parish Clerk Guide

UPDATED: May 2023

TOWN & PARISH CLERK GUIDE

Introduction

This guide is designed for Town & Parish Clerks giving an overview of the Key Processes based around Electoral Services that you are required to undertake as part of your role. The guide is not exhaustive and if you have any queries or are unsure of anything you can contact the Electoral Services Team who will be happy to assist you.

Electoral Services Team Contact Details		
Address	Electoral Services East Suffolk Council Riverside, 4 Canning Road Lowestoft NR33 0EQ	Electoral Services East Suffolk Council East Suffolk House Riduna Park, Station Road Melton IP12 1RT
Phone	01502 523251	
Email	elections@eastsoffolk.gov.uk	
Web	www.eastsoffolk.gov.uk/elections	

Our team are based across our 2 offices:

Riverside Office	East Suffolk House Office
Tim Willis Deputy Electoral Services Manager	Karen Last Electoral Services Manager
Carol George Senior Electoral Services Officer	Mandy Spurgeon Senior Electoral Services Officer
Bridget Carter Electoral Services Officer	Daniel Baggott Electoral Services Officer
	Chloe Baker Electoral Services Officer

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Term of Office

Elections to Town & Parish Councils are held **every four years** and are administered by East Suffolk Council. Current Councillors and any Councillors who are co-opted or elected through by-elections will serve until the fourth calendar day after the next scheduled local elections in 2023.

Last Scheduled Elections	Thursday 4 May 2023
Next Scheduled Elections	Thursday 6 May 2027

A Guide to Casual Vacancies

Casual Vacancies

Casual Vacancies are vacancies that might arise on the Town or Parish Council between elections; these vacancies are known as **Casual Vacancies**. There are six causes for a casual vacancy to occur:

Cause of Casual Vacancy	Effective Date (when the vacancy occurs)
Failure to accept office	The closing date for a declaration to be made. Note: A declaration of acceptance of office must be made by each successful candidate before or at the first meeting of the Council after their election; or the council at that meeting can allow this to take place before or at a later meeting as arranged by the council.
Resignation	When the resignation notice is received by the person who is required to receive it. Note: A Councillor may resign at any time by delivering written notice to the Chairman of the Town/Parish Council. If the Chairman is resigning, they give their notice to the Town/Parish Council. There is no prescribed form for resignation and there is no process for withdrawing the resignation once it is submitted.
Death	On the day of the death
Ceasing to be qualified *	The Town/Parish Council must declare the vacancy as soon as possible and the vacancy is deemed to have occurred on this date
Becoming disqualified	
Failure to attend meetings	The vacancy occurs on the date declared by the Town/Parish council by resolution Note: A member fails to attend for a consecutive period of six month, unless their failure to attend was approved by the Town/Parish.

* The only situation in which a Town/Parish Councillor ceases to be qualified is if the **only** qualification used for election was their inclusion on the Electoral Register. As such, if a Councillor fails to appear on subsequent Electoral Registers, then they are deemed to have ceased being qualified. Information shown on the Candidates consent to nomination is not relevant (as they are not available for inspection past polling day), it is whether the other qualification were in place at that time.

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When a Casual Vacancy Occurs

The Town/Parish Council (i.e. the Town/Parish Clerk) is responsible for publishing the Notice of Vacancy as soon as practicable after the resignation of a councillor and ensuring that it is displayed for the requisite time (i.e. 14 working days from the date of publication – the publication date counts as day '0') in some conspicuous place(s) within the Town/Parish. We also recommend posting the notice to your website. A notice should be published for each vacancy or vacancies that occur (such as 2 resignations being handed in at the same time). The Electoral Services Team at East Suffolk Council will provide you with the Notice(s) which will also be displayed on our website.

The Process

Step One

- The Town/Parish Clerk should login to the online **Register of Interests Database** <https://roi.cmis.uk.com/Account/Login> and mark the councillor as **inactive**; providing the reason for the vacancy. This will automatically send an email to the Electoral Services Team at East Suffolk Council to notify them of the vacancy and enable them to produce the Notice of Vacancy.

Step Two

- The completed Notice of Vacancy will be emailed to the Town/Parish Clerk. The notice should be displayed by the Town/Parish as per the requirements. The notice will also be published on the East Suffolk Council website. Notices are usually sent on a Thursday each week to be displayed from Friday.

Step Three

- A Casual Vacancy Notice must be displayed for 14 working days. If, during that time, **10 local government electors** from the relevant parish (or parish ward if warded) request an election, an election must be held. If electors submit their request by paper they should provide their name, address and signature, or for emailed requests, their name and address. These requests are open to public inspection and a copy can be made.
- If no such request is received, the vacancy must be filled by co-option.

If the required number of requests for an election are NOT received by East Suffolk Council

- As soon as practicable after the end of the 14 working day period, the Town/Parish Council must fill the vacancy by co-option. East Suffolk Council will email the Town/Parish clerk to confirm that no such request has been received and that the vacancy must be filled by co-option.
- There are no set procedures for how a person will be co-opted, the process for this is a matter for the Town/Parish Council.
- As soon as a councillor has been co-opted, the Town/Parish Clerk should ensure that the requisite steps are taken in respect of their appointment.

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Adding a New Councillor

- The Town/Parish Clerk should add the new councillors details to the online **Register of Interests Database** <https://roi.cmis.uk.com/Account/Login> as soon as practicable after the co-option is made. This will send an email to the councillor and they will be able to login and add a password and complete all the required questions. This must be completed within 28 days. For parishes with wards, the Town/Parish Clerk should email elections@eastsoffolk.gov.uk to confirm which ward the Councillor has been co-opted to. A Declaration of Acceptance of office must also be completed at/before the first council meeting. Failure to sign this by the required date means the seat becomes vacant.

If the required number of requests for an election are received by East Suffolk Council

East Suffolk Council will contact the Town/Parish Clerk to advise them when 10 valid requests for a by-election have been received from 10 electors named on the Electoral Register for the area where the vacancy exists to trigger a by-election. Polling day (as decided by the Returning Officer) must be scheduled within 60 days (excluding Dies Non) of the date of the Notice of Vacancy. The Electoral Services Team will email the Notice of Election to the Town/Parish clerk on the day before it must be published and will provide a link to the website where nomination packs, timetables and any other relevant election documents can be found.

Nominations - Uncontested

- If only one nomination is received by the deadline (or in the case of multiple vacancies, only enough nominations to fill the vacancies) the person(s) will be elected uncontested and there will not be a poll. A Notice of Uncontested Election will be emailed to the Clerk to be displayed.
- The Town/Parish Clerk should ensure that the requisite steps are taken in respect of their appointment; adding the details of the new councillor(s) to the online **Register of Interests Database** <https://roi.cmis.uk.com/Account/Login> as soon as practicable.

Nominations - Contested

- If more nominations than vacancies are received, there will be a by-election.
- Where by-elections are contested, the Returning Officer is responsible for administering all aspects of the Poll including the preparation and issue of Poll Cards and Postal Votes. All costs incurred by the Returning Officer in administering the Poll are recharged in full to the Town/Parish Council once all invoices have been received. Following the conclusion of a by-election a Declaration of Result will be emailed to the clerk to be displayed.

Other: If an election is requested for a Town/Parish council but there are not enough candidates to fill the vacancy or vacancies, the validly elected candidates are declared as elected and there must be a new election to fill the remaining vacancies. The polling date for the new election should be within 35 working days of the date on which the original poll would have been held if it were contested.

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Casual Vacancies arising within six months of an election

- Where a casual vacancy in the office of a Town/Parish Councillor occurs within six months of the day on which the councillor would have retired (i.e. at the next ordinary election), a Notice of Vacancy will still be posted but there is no provision for an election to be called. The Town/Parish council may (i.e. there is no obligation to do so), as soon as practicable after the expiry of the period of 14 days after public notice of the vacancy has been given, co-opt a person to fill the vacancy.
- Any vacancy which is not filled must be filled at the next ordinary election. A Notice of Vacancy (six month rule) will be supplied by East Suffolk Council (as per a standard casual vacancy).

New Councillor Process

Register of Interests

- Register new councillor on ROI System <https://roi.cmis.uk.com/Account/Login>
 - This must be completed with 28 days.
 - If the Co-option is to a Parish Ward or a particular council in a Grouped Parish the Clerk should email elections@eastsuffolk.gov.uk to let them know which seat the new councillor is taking.
- An email will be automatically sent to the newly registered councillor to allow them to login, setup a password and complete the form

Declaration of Acceptance

- The Declaration of Acceptance form must be completed before or at the first meeting of the new councillor (unless the Council consents).

When does a Councillor's term begin?

- As the seat is already vacated, the person elected will take up office at the declaration of the Returning Officer. This will either be at the close of withdrawals, where only the required number of candidates or less are validly nominated (in this case the Notice of Uncontested Election) or following a Declaration at the end of the count if an election is held.

Scheduled Election & Unscheduled By-elections

Estimated Costs

East Suffolk Council will issue Estimated Scheduled Election costs approximately six months before the next scheduled elections. Following the Scheduled elections estimated costs for unscheduled by-elections that may take place during the next 4 years will also be provided. These estimated costs are provided as a guide to support Town and Parish Councils in their budget preparations.

Nominations

Briefings will be held ahead of Scheduled elections every 4 years to clearly explain the process for nominations. Please look out for these and attend where possible. For Unscheduled elections nomination papers will be available on our website www.eastsuffolk.gov.uk/elections/election-notices-and-results/ The Electoral Services Team will be able to answer any questions regarding the processes.



Electoral Register & Monthly Updates

Each year on 1 December an updated Electoral Register is published for each Town/Parish. Under the regulations Parish Councils are entitled to receive a copy of the Full Register free of charge, however the regulations state that this service must be requested. Town/Parish Clerks who wish to receive the electoral register for their area should complete and return the required form when it is sent through. Registers are supplied in PDF format via secure file transfer unless a printed copy is requested which must be signed for and collected from one of our offices.

A file will be created for the Town/Parish Clerk and an invitation will be sent to accept an account. The Clerk will be required to create a UNIQUE password to login.

Once access has been set up registers and monthly updates will be available to download. Each year the file account will be cleared ahead of the publication of the updated register of Electors on 1 December.

Register of Interests

An account login is required to the Town/Parish Council Register of Interests page to enable the Town/Parish Clerk to manage the page. This will be setup and provided by the Democratic Services Team. If you have any questions please email democraticservices@eastsoffolk.gov.uk

Change of Town/Parish Clerk Details

If the contact details change or the Clerk is leaving the Democratic Services Team must be notified at democraticservices@eastsoffolk.gov.uk so that they can update the record on the East Suffolk Council system. If a new Clerk has not yet been appointed please provide details of an interim Clerk. The Town/Parish Council should then notify the Democratic Services team once the new details are confirmed for the Town/Parish Clerk.

CASUAL VACANCY FLOW CHART

