

## GRIMLEY PARISH COUNCIL – WORCESTERSHIRE

### Parish Council Resignation Guidelines

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Published by WCALC: N/A. Draft policy to be adopted. Compiled January 2026 by Parish Clerk.

#### 1. Term of office

1.1 Town / Parish councillors hold office for a period of four years (or if elected or co-opted part way through the cycle, for the remainder of that period only). Councillors formally retire on the fourth day after the ordinary day of the election.

#### 2. Causes of a casual vacancy (vacant seat on a parish council)

2.1 The six causes of a casual vacancy are specified in LGA 1972, sec 8:

- a) Failure to accept office: failing to complete a declaration of acceptance of office within the proper time will cause a vacancy.
- b) Receipt of resignation.
- c) Death: The vacancy is deemed to have occurred on the date of the death.
- d) Ceasing to be qualified (ascertained by the Monitoring Officer not the Parish Council)
- e) Becoming disqualified: through bankruptcy, office holding, surcharge, conviction, court order or being found guilty of corrupt or illegal practices in election law.  
Addendum: now includes being added or already on the sex offenders register
- f) Failure to attend meetings (six months unless reasons for absence approved by the Parish Council). This process (f) is automatic and not decided by the parish council.

2.2 Each may have a different effective date of vacancy – so please check with the Elections Office at the District Council in the first instance.

#### 3. Procedure for resignation.

*The resignation (casual vacancy) of a parish council member is a formal process that must be followed to ensure the proper handling of the vacancy.*

3.1 Councillors are not permitted to give notice in advance.

3.2 The resignation should be sent to the Chair by email or in writing and, once signed (in the case of a letter) or sent (in the case of an email) and received by the intended recipient is immediate and cannot be retracted by any means. There is no special form that must be used. A verbal resignation must be confirmed after in writing.

3.3 The Chair should acknowledge the resignation in writing or via email as soon as possible.

3.4 Resignation is not dependent upon the acknowledgement or any form of acceptance of resignation, either by the Parish Council Chair, Clerk or the district council/election office for it to take effect.

#### **4. Parish Clerk - Tasks to be conducted by the parish clerk upon receipt of resignation**

*(Order of actions is not set in stone, except the requirements within the Notice of Election and Notice of Co-option as applicable)*

4.1 Check the quorum of the parish council. The District Council can assist in cases of not quoracy.

4.2 Formally inform the District Council elections office/**Elections Proper Officer**) on the first working day after the resignation is received or as soon as is practicable afterwards. Also, ask for confirmation of the wording and date to be displayed on the **Notice of Vacancy**.

- Any acknowledgement by the Monitoring/Proper Officer/elections office is to be stored on the parish council email account.

- Remind the ex-councillor of their continuing data protection requirements and responsibilities.

4.3 **Contact** other parish councillors by email to inform them of the resignation and provide them with a copy of the Notice of Vacancy if received by that time. Blind copy in the Lengthsman, District and County Councillors, and Footpaths Officer.

- *Aside note.* Check if the ex-councillor was a 'line manager'/liaison to the Lengthsman – arrange a temporary replacement if this is the case and then schedule a formal replacement at the next Annual Meeting of the Parish Council.

4.4 Update the **website** to a) remove the ex-councillor from the list of current parish councillors and b) display the Notice of Vacancy.

4.5 Update the parish **noticeboards** to a) remove the ex-councillor from the list of current parish councillors and b) to display the Notice of Vacancy.

4.6 Diarise the dates within the Notice of Vacancy, with a view to either commencing the election period or commencing the option for co-option via display of a **Notice of Co-option**.

4.7 Check the **list of committee reps** and diarise for arranging replacements (interim at the next parish council meeting AND formal vote of replacement at the next Annual Meeting of the Parish Council).

4.8 Contact any relevant **working parties/liaison groups**/groups which the ex-councillor use to represent the parish council upon and inform them of the resignation. Inform them that a replacement will be decided at the next parish council meeting/next annual meeting of the parish council as applicable. [Remember to inform them of the decision once made].

4.9 Arrange to include a thank you in the next article for the **parish magazine** and to include the Notice of Vacancy if applicable.

4.10 Contact the **email/domain provider** and arrange to regain control of the official councillor email address. Access is to be obtained 7 working days after the resignation – see item 6.5 below. Arrange to archive/destroy all correspondence therein.

- 4.11 Update the **WCALC website** to remove the ex-councillors account and password for access to training.
- 4.12 Update the list of ex parish councillors if applicable.
- 4.13 Check to see whether **noticeboard keys, venue keys/codes, VAS keys, batteries** or any other **asset** of the parish council needs to be collected or returned.
- 4.14 Include the resignation on the next parish council meeting **agenda**.
- 4.15 Check to ascertain the proportion of **councillor allowance** that has been paid and whether any reimbursement to the parish council is in order, or any payment is needed to the Councillor for the period of their office.

## **5. Specific actions in the case of Resignation by the Chair: Clerk Tasks continued**

- a. In instances where it is the Chair that has resigned, then the Deputy Chair will be required be notified and deputise in the role of Chair until the next meeting of the Council. The election of a new Chair must be the first order on the next parish council meeting agenda, with the existing Deputy Chair 'chairing' as a very minimum for that section.
- b. In legal terms, the only difference between the Chair and the other Councillors, is the requirement to Chair the parish council meetings. The only other difference which may be appropriate in this case, is the Chair can call an extraordinary meeting - If the Chair resigns and an urgent matter arises the Deputy in the Chair's absence can call the meeting.
- c. In practicable terms, the Chair often works closely with the Clerk and so the Clerk should make all possible time to brief the new Chair on current work/projects and timetables.
- d. The **external auditor** will be required to be informed. {Remember to pass the new Chair's/Deputy Chair's details to them once known)

## **6. Ex-Councillor - Tasks to be conducted by the Ex-Councillor upon resignation**

Immediately following resignation [\* indicates a deadline of 7 working days after resignation], the ex-councillor must:

- 6.1 \* Check the councillor parish council email account for anything which is not the property of the parish council and remove/permantly delete accordingly.
- 6.2 \* Separate and remove the parish council email account from apps on personal phones/ipads.
- 6.3 Bring to the next parish council meeting or, \* deliver to the Chair or Clerk, all **printed parish council paperwork** for the Clerk to store/archive or destroy.
- 6.4 Bring to the next parish council meeting or, \* deliver to the Chair or Clerk, all **banking paperwork** - except passwords, which must be destroyed/erased. The Finance Committee will make arrangements to remove ex-councillor details from the parish council bank account. This process may take anywhere up to 8 months. Any paperwork from the bank received in this time should be delivered to the Clerk or Chair please and NOT destroyed by the ex-councillor.

6.5 \* Cease to use his/her official parish council email address. The Clerk will have arranged with the email providers to gain access to the account, without the need to receive the email passwords. The Clerk will arrange to archive/destroy all correspondence therein.

6.6 \* Remove him/herself from the parish council WhatsApp group.

## **7. Remaining Councillors In Officer – items to note please**

7.1 There is no legal provision allowing for gifts and thank yous to be deducted from expenses or parish council financial accounts. Gifts, as required/applicable, should be contributed to from personal finances.

## **8. An election must be called:**

8.1 If ten electors of the parish or parish ward respond to the Notice of Vacancy and send a request to the Proper Officer of Malvern Hills District Council, within 14 days.

8.2 An election must then take place within 60 days; all dates will be computed in accordance with the (LEPCR 2006, sch 2, sec 1-6).

8.3 The calculation of the 14/60 day periods are both “DIES NON” and commence from the day of the posted notice. Whilst there is no form of words for the electors’ request it will be helpful if the signatures of the electors are accompanied by printed names, addresses and elector numbers from the current electoral register.

8.4 No call for election/ need for co-option: if no request for an election is received within 14 days then the parish council must seek to fill the vacancy by co-option as soon as practicable after the expiry of the notice. (LEPCR 2006, sec5 (5)).

8.5 In regard to co-option the process to be followed is a matter for the Parish Council its self provided that it works within legislative boundaries. It is also the parish council that may co-opt whoever it pleases to fill a casual vacancy, (provided that, that person is qualified to serve as a councillor).

- End-

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