

Stretton Parish Council

Procedure for Co-Option

Casual Vacancy

A casual vacancy occurs following the resignation or death of a serving member. Rutland County Council is notified of the vacancy and the Corporate Services Department post a formal Notice of Vacancy. The notice will be displayed for fourteen days during which ten members of the parish can demand an election takes place. If called the by-election is then organised by Rutland County Council. If an election is not called then the Parish Council will fill the seat by co-option.

Vacancies after an ordinary election

- a. If there are not enough candidates to fill the remaining vacancies the Representation of the People Act 1985, section 21 allows the elected members, provided there is a quorum (i.e. one third of the whole numbers of members with a minimum of three) to co-opt members to fill the remaining vacancies.
- b. If, following an ordinary election there are insufficient persons nominated to fill all the available seats, the parish has 35 days from the date of the election to co-opt persons to fill those vacancies without the necessity of advertising for a potential by-election. If, following the election, there insufficient councillors elected to form a quorum, the parish must advise Rutland County Council who can either appoint persons to be parish councillors or order another election. (see section 39(4) Representation of the People Act 1983 and section 21(2) RPA 1985)

Vacancies without an election

If an election is not requested the parish clerk will be notified that the parish council must co-opt a member to fill the vacancy as soon as practicable. If the number of casual vacancies leaves the parish council without a quorum, the district council will order an election to be held and, in the meantime, may by order appoint people to fill all or any of the vacancies until other Councillors are elected and take up office.

Co-option Process

The vacancy for co-option will be advertised on notice boards within the parish and via the Parish Council website for a minimum of four weeks. This will include a deadline for receipt of applications. See Annex A.

Any questions about the procedure for co-option, eligibility to serve or the roles and responsibilities of a Parish Councillor should be directed to the Clerk to the Council.

Eligibility

The Parish Council is able to consider any person to fill a vacancy provided that:

- He/she is an elector for the parish; or
- has resided in the parish for the past twelve months or rented/tenanted land in the parish; or
- had his/her principal place of work in the parish; or
- has lived within three miles (straight line) of the parish.

There are certain disqualifications for election, of which the main are (see 5. 80 of the Local Government Act 1972):

- holding a paid office of the Parish Council
- bankruptcy;
- having been sentenced to a term of imprisonment (whether suspended or not) of not less than three months, without the option of a fine during the five years preceding the election; and
- being disqualified under any enactment relating to corrupt or illegal practices.

Applications

Candidates will be requested to:

- Submit information about themselves, by way of letter or e-mail explaining why they are interested in joining the Parish Council and what skills and experience they would bring. Applicants will also be asked to confirm their eligibility to serve, based on the above criteria.

Parish Council Meeting

- The Parish Council will consider the candidates for co-option to fill any vacancy at a Parish Council meeting.
- Shortly before the start of this meeting the Parish Clerk will report the names of the candidates to the Council at the meeting and distribute copies of any applications made by the candidates.
- If they wish, each candidate may make a short statement to the Council.
- The process will be carried out in the public session and there will be no private discussions between members prior to a vote being taken. However, where the Council is discussing the merits of candidates and inevitably their personal attributes, this could be prejudicial and the Council should resolve to exclude the members of the press and public.
- Declarations of interest must be made by Parish Councillors as each candidate is considered, (eg: family ties, friendships, business relationships etc). This does not prevent Councillors from voting.

Voting

- This must take place in a public meeting.
- Only Councillors present at the meeting may vote; Each councillor must vote. No councillor may abstain.
- If a member is not at the meeting the legislation does not provide for a proxy or postal vote.
- Even if there are fewer candidates than vacancies, each candidate must receive an absolute majority vote of those members present at the meeting; no majority, no co-option. There is no "co-opted uncontested" provision within the law.
- If there are more candidates than vacancies, the candidate with the least number of votes should be taken off the list of candidates, and if there are still more candidates than vacancies, the vote is taken again. This procedure should be repeated until the number of candidates equals the number of vacancies and each candidate has a majority vote.
- The Chair may only use their casting vote if two successive voting rounds are stalemated.

Declaration of Acceptance of Office

Those co-opted must sign a declaration of acceptance of office before they join any meeting of the council as a member (If the successful candidate is present at the meeting where the co-option is agreed they will sign the Declaration of Acceptance of Office and be able to participate in the meeting.)

Notification to Rutland County Council

The Clerk will notify Corporate Services at Rutland County District Council of the new member appointment and request the new member completes a Registration of Interests form within 28 days of being co-opted.

Term of Office

A person elected or co-opted to fill a casual vacancy holds office until the person in whose place they are elected or appointed would regularly have retired

Annex A: Example Public Notice of Co-option**STRETTON PARISH COUNCIL WILL BE CO-OPTING FOR A CASUAL VACANCY AT THE NEXT MEETING OF THE PARISH COUNCIL ON (DATE)**

A person co-opted to fill a casual vacancy on the Parish Council must fulfil the same criteria as a person being formally nominated for a candidate at an election. The person must either be on the current Register of Electors for Stretton and/or during the previous 12 months prior to appointment by co-option, either have occupied as owner or tenant any land or premises in the parish, or had their principal or only place of work in the parish, or have resided either in the parish or within 3 miles of the parish boundary.

The person should also not be disqualified for election under Section 80 of the Local Government Act 1972. Broadly, this relates to holding a paid office under the Town Council, bankruptcy, having been sentenced to a term of imprisonment of not less than 3 months without the option of a fine during the 5 years preceding the co-option, or being disqualified under any enactment relating to corrupt or illegal practices.

Any interested persons are asked to contact the Clerk to Stretton Parish Council in the first instance: clerk@strettonpc.co.uk

Chair Signature _____

Adopted Date _____

Minutes reference _____

Review Date _____