



## **Councillor Vacancies**

### **REVISION DATE**

November 2019

### **REPLACES POLICY**

New Policy

### **POLICY STATEMENT**

This policy sets out the procedure to ensure there is compliance with legislation and continuity of procedures in the co-option of members to Goostrey Parish Council (GPC). The Co-option procedure is entirely managed by GPC and this policy will ensure that the process is fair and transparent.

### **PROCEDURE**

#### **Councillor Vacancies (or Casual Vacancies) Occur When:**

- A councillor fails to make his declaration of acceptance of office at the proper time;
- A councillor resigns;
- A councillor dies;
- A councillor becomes disqualified; or
- A councillor fails for six (6) months to attend meetings of a council committee or subcommittee or to attend as a representative of the Council a meeting of an outside body.

#### **What Happens when a Vacancy Occurs:**

##### Notification of Casual Vacancy to Cheshire East Council Elections Department

1. The Parish Council (Parish Clerk) must notify Cheshire East Council (CEC) Elections Department that a Casual Vacancy has occurred on the Council.
2. A special form of notice is drawn up advertising the vacancy and is sent to CEC Elections Department. The notice advertises the vacancy and gives electors in the Parish the opportunity to request an election to fill the vacancy. If the call for election is within 6 months of an election, the CEC Elections Department will notify the council that it is free to co-opt someone to fill the vacancy should it wish to do so. (If this is the case go to Filling the Vacancy by Co-option)
3. The notice is affixed to the notice boards (and placed on the GPC website) in the Parish on the date of the notice and CEC Elections Department will give the date when the notice expires (usually 14 working days).
4. An election will occur when ten electors write to the CEC Elections Department stating that an election is requested.
5. If an election is called by 10 or more electors CEC Elections Department will organise the election and the Parish will have to pay an election fee. If the call for election is within 6 months of an election, the CEC Elections Department will notify the council that it is free to co-opt someone to fill the vacancy should it wish to do so.

##### Filling the Vacancy by Co-option

1. If there is no call for an election, the CEC Elections Department will notify GPC in writing that it is free to co-opt someone to fill the vacancy should it wish to do so. The council is not obliged to fill the vacancy.
2. If the council decides to co-opt someone to fill the vacancy an advertisement will be placed on the Parish Notice Boards (and placed on the GPC website) the advertisement will indicate the qualities required, statutory requirements and to send the application to the Clerk.

3. The Parish Council is not bound to co-opt any applicant applying.

#### Eligibility of Candidates

GPC is able to consider any person to fill a vacancy provided that:

- He/She must be a British citizen, an eligible Commonwealth citizen or a citizen of any other member state of the European Union
- He/she is an elector for the parish; or
- has resided in the parish for the past twelve months or rented/tenanted land or other premises in the parish; or
- had his/her principal place of work in the parish; or has lived within three miles (direct) of the parish.

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

- holding a paid office under the local authority;
- 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.
- A person may also be disqualified from election if they have been disqualified from standing for election to a local authority following a decision of the First-tier Tribunal (formerly the Adjudication Panel for England or Wales).
- Candidates found to be offering inducements of any kind will be disqualified.

#### Applications

Members may point out the vacancies and the process to any qualifying candidate(s).

Although there is no Statutory Requirement to do so, candidates will be requested to:

- Submit information about themselves, by way of submitting a letter or email
- Confirm their eligibility for the position of Councillor within the statutory rules (Appendix A).

Following receipt of applications, the next suitable council meeting will have an agenda item 'To receive written applications for the office of Parish councillor and to Co-opt a candidate to fill the existing vacancy'.

Copies of the candidates' applications will be circulated to all Councillors by the Clerk at least 3 clear days prior to the meeting of the full Council, when the Co-option will be considered. All such documents will be treated by the Clerk and all Councillors as Strictly Private and Confidential.

The Clerk will arrange for each of the candidates to meet with the Chairman and Vice-Chairman prior to the Parish Council Meeting.

Candidates will be sent a full agenda of the meeting at which they are to be considered for appointment, together with a copy of the Code of Conduct, Standing Orders and Financial Regulations of GPC.

#### At the Parish Council Meeting

At the meeting each candidate being proposed and seconded by the councillors in attendance and a vote by a secret ballot. The vote will be recorded so as to show whether each Councillor present and voting gave his/her vote for or against each candidate.

In order for a candidate to be elected to GPC, it will be necessary for them to obtain an absolute majority of votes cast (50% + 1 of the votes available at the meeting). If there are more than two candidates and there is no candidate with an overall majority in the first round of voting the candidate with the least number of votes will drop out of the process. Further rounds of voting will then take place with the process repeated until a candidate has an absolute majority. In the case of an equality of votes, the Chairman of the meeting has a second casting vote.

After the vote has been concluded, the Chairman will declare the successful candidate duly elected and after signing their declaration of acceptance of office, the new Councillor may take their seat immediately.

The Clerk will notify CEC Elections Department of the new Councillor appointment(s). The successful candidate(s) must complete the 'registration of interests' within 28 days of being elected. The form should be handed to the Clerk for forwarding to the Monitoring Officer.

If insufficient candidates come forward for co-option, the process may continue, whereby the vacancies are advertised again.

**IMPLEMENTATION**

The policy and process will be implemented by the Clerk and the Council.

**MONITORING**

The policy and process will be monitored by the Clerk.

**POLICY APPROVAL**

Council Minute 19.11.13 Councillor Vacancies - Co-option Policy/Procedure

**POLICY REVIEW DUE**

November 2020