

Sawley Parish Council

Procedure for filling vacant seats (by-election/co-option)

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A vacancy can arise by either of 2 ways:

1: Insufficient candidates at an election

A vacancy after an election will arise if the number of candidates nominated for election is too few to warrant an election and therefore fill all of the eleven seats.

This vacancy is dealt with directly by co-option.

Assuming a sufficient number candidates have been nominated to form a quorum (three Councillors), they will co-opt Councillors to fill the vacant seats.

The co-option procedure should be commenced as soon as is practicable after the first meeting of the Parish Council (*Target time to be within 2 months of the first meeting*).

2: Casual Vacancy

A casual vacancy arises if a Councillor fails to make and deliver a "Declaration of Acceptance Of Office", becomes disqualified (because of, for example, bankruptcy, failure to attend meetings or leaving the area), resigns or dies. This vacancy has to be dealt with by holding a by-election at the electorates request or by co-option if there is no such request.

As soon as is practicable after a casual vacancy occurs (*Target time to be within 2 months of the meeting at which the vacancy is announced*) the Parish Clerk will place on the Parish notice board a "Notice of casual vacancy for a Parish Councillor".

This Notice will state that a by-election to fill the vacancy will be held if within 14 working days from the date of the notice ten electors from the parish give notice in writing claiming an election to the Returning Officer.

Note: The 14 days does not include Christmas Eve, Christmas Day, Maundy Thursday, Good Friday, Bank Holidays, any day appointed for public thanksgiving or mourning, Saturdays or Sundays.

The Notice should also state that if no such claim is made to the Returning Officer, the Parish Council will fill the vacancy by co-option.

A copy of the "Notice Of casual vacancy for a Parish Councillor" must be sent to the Returning Officer of Erewash Borough Council as he/she will be responsible for calculating the date of any by-election if one becomes necessary. If the required 10 requests for a by-election are received within the specified time by the Returning Officer, a by-election will be held within 60 days of the date when the "Notice of Casual Vacancy for a Parish Councillor" was first published.

Most of the costs of such a by-election will be born by the Parish Council.

On the day after the expiry of the notice, the parish Clerk will contact the Returning Officer and ask if a by-election has been claimed by any ten electors.

If there are insufficient or no requests then the Parish Council shall proceed with co-option as soon as is practicable (*Target time to be within 2 months of that day*).

Note: Where a casual vacancy occurs within six months before the date of the next four yearly election, a by-election cannot be called and the Parish Council can directly proceed with co-option or decide not to fill the vacancy.

Co-option

At a Parish Council meeting an item "To fill a vacancy on the Council" must appear on the Agenda. At that meeting the Parish Council will agree the closing date for applications.

The Parish Clerk will place on the Parish notice board an "Invitation to apply to fill a vacancy on the Parish Council" notice.

The notice will ask interested (and qualifying) persons to write to the Parish Clerk expressing their interest. The notice will clearly state the closure date for applications (*Suggested period of 4 weeks will be allowed*).

Any applications received after this date shall not be valid.

The Parish Clerk will advise the Parish Council Chair and Vice-Chair of the number and names of applicants and the Parish Clerk, Parish Chair and Vice-Chair will organise a co-option interview meeting date which will be on a date to maximize the number of councillors present and also when all applicants are available to attend.

This meeting can precede or follow a scheduled Parish Council meeting or be on a separate date.

If difficulty is encountered, interviews could be held over 2 separate meetings no more than 1 month apart.

Another person (other than a serving Parish Councillor) can represent and speak on behalf of an applicant but it is preferable that applicants are interviewed in person.

In the interests of efficiency and to avoid repetition this co-option procedure can be delayed should a subsequent casual vacancy occur before the interview meeting is held.

This will allow a new "Notice of Casual Vacancy for a Parish Councillor" to be displayed on the Parish notice board for the required 14 qualifying days for the new vacancy.

If no by-election request is received for the new vacancy, the applications already received thus far will now be available to fill the new number of vacancies and all will be considered at one interview meeting.

Should the number of applicants be the same, or less, in number than the number of vacancies then all those applicants are automatically co-opted and no interview meeting is required.

Should there still be vacancies, the co-option procedure will be repeated until all vacancies are filled.

Interview meeting

This meeting shall be held in private (i.e. public excluded) with only councillors and each applicant in turn present.

Councillors shall formulate a list of questions to ask the applicants (see below) which shall be sufficient so that the answers will help councillors to decide which applicants are suitable.

The identical same questions must be asked of all applicants.

No councillor may speak for any applicant at this stage as that would be considered a prejudicial interest.

Applicants shall be interviewed individually in alphabetical order of surname by councillors in private and after interview applicants should leave after being informed that will be notified of their success or not.

After all the interviews are complete and applicants have left councillors may have a short discussion on the suitability or not of each candidate in alphabetical order of surname based only on the information received in answers to the questions.

Voting will then take place, each councillor having as many votes as there are vacancies.

Only councillors present at the meeting can vote.

Applicants receiving the most and an absolute majority of votes of councillors present are co-opted, if that does not fill all vacancies then one of the remaining applicants with the least votes is removed from the process and a new vote taken (with a revised number of votes each).

In the event of any tie the meeting chair has the casting vote.

Successful applicants shall then be invited to the next Parish Council meeting to be declared co-opted to the Parish Council and requested to sign the Declaration of Acceptance of Office to agree to be bound by the Code of Local Government Conduct.

Examples Of possible "Interview Meeting" questions:

1. Why do you want to be a councillor on Sawley Parish Council? (*Maximum 2 minutes for answer*).
2. What skills and experience can you bring if you are co-opted onto the Parish Council?
3. Are you involved in any community, youth or retired persons groups in Sawley or any surrounding areas and in what capacity?
4. Can you commit to attend the monthly full Parish Council meetings and sit on any of the Parish Council sub-committees?
5. Will you commit to adhere to the Parish Council's Code of Conduct and Nolan Principles of public standards?