



Sutton Courtenay Parish Council

Procedure for Filling Casual Vacancies in the Office of Parish Councillor

Introduction

When a vacancy occurs in the office of Parish Councillor, certain statutory procedures must be followed as part of the process for filling that vacancy. Below sets out the full process to which will be followed by Sutton Courtenay Parish Council for the following:

- For casual vacancies which arise if a Councillor fails to make and deliver a Declaration of Acceptance of Office, becomes disqualified (because of, for example, bankruptcy, criminal conviction or failure to attend meetings), resigns, or dies; or
- Vacancies that exist after the scheduled election of the Full Council (held every four years), unless insufficient Councillors have taken up Office to form a quorum (currently three)

It will not be followed in respect of vacancies which arise less than two months before the next scheduled election of the Full Council, such vacancies will be left unfilled until the election takes place.

Notice of vacancy

When one or more vacancy arises, the Clerk (or in the absence of the Clerk, the Council Chairman or other delegated Councillor) will publish a separate Notice of Vacancy in respect to each vacancy according to the timescale below. The content of this notice will depend on when the vacancy has occurred and will explain the process to anybody who is interested in being co-opted. The notice will be displayed in public on the Parish Council noticeboards and website, and in such other manner as the Council may from time to time decide. A copy will also be sent as soon as practicable to the District Council:

- On first publication, unless the vacancy has arisen because there were fewer candidates at a scheduled election than there are seats on the Council or has arisen less than six months before the next scheduled election, then the notice will inter alia give the reason why the vacancy has occurred and state that an election to fill the vacancy will occur if a request for such an election is made by ten electors of the Parish, in writing, by a date which will be specified in the notice (calculated as fourteen days from the date of the notice, excluding Saturdays, Sundays and Bank Holidays) to the Returning Officer. It will also state that, if no election is requested, then the Council will consider co-option to fill the vacancy at its first ordinary meeting which occurs at least four weeks after the date of the notice. Note that if such an election is requested, the Parish Council can no longer fill the vacancy by co-option, even if the vacancy remains unfilled after the election.
- On first publication, if the vacancy has arisen because there were fewer candidates at a scheduled election than there are seats on the Council, or has arisen less than six months before the next scheduled election, then the notice will instead just give the reason why the vacancy has occurred and state that the Council will consider co-option to fill the vacancy at its first ordinary meeting, which occurs at least three weeks after the date of the notice. In these circumstances, there is no provision for electors to request an election and the Council may co-opt without further ado.
- The initial Notice of Vacancy will be published according to the following timescales:
 - If the vacancy has arisen due to failure to accept office, as soon as is practicable after the meeting of the Council by which the declaration of acceptance should have been made.



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- If due to resignation, as soon as practicable after the resignation notice has been received by the chairman.
- If due to death, as soon as practicable. At the discretion of the Chairman of the Council, it may be deferred until no later than 7 days after the funeral, but the Council may resolve at any meeting to publish it sooner, if felt necessary
- If due to a Councillor ceasing to be qualified, becoming disqualified, or failing to attend meetings, as soon as the Council has declared the vacancy at a Council meeting.
- On subsequent publication, because one or more vacancies still exist after the Council has considered filling them by co-option, then the notice will state the number of vacancies which still exist and that the Council will again consider co-option to fill them at its next ordinary meeting.

Co-option process

If no election to fill the vacancy has been requested, or there is no provision for an election to be requested, co-option will be considered at the ordinary meeting of the Council specified in the Notice of Vacancy and will be an agenda item.

Before any co-option takes place, the Clerk will confirm with the District Council that no election is to take place.

Councillors are free to encourage expressions of interest, but the Council as a whole will not encourage expressions of interest from individuals nor from groups of individuals.

If anyone is interested in being co-opted, they are advised to notify the Clerk in writing or by email of such interest at least seven clear days before the meeting and confirm before the meeting that they are eligible for co-option by completing a Co-option eligibility form, which can be obtained from the Clerk. The Co-option eligibility form includes a section for each person who has indicated an interest in being co-opted to make a supporting statement, including any relevant experience, and why they wish to be a Councillor. This section of the form will be circulated to Councillors before the meeting.

Co-option process – procedure at the Council's meeting

The Council's nomination and voting on co-option must be conducted in the public section of the meeting. It follows that potential Councillors, as members of the public, are entitled to be present during the proceedings.

During the co-option section of the meeting, apart from during the supporting statements and question sections, there is to be no participation from the public, including the candidates.

- Each Councillor in attendance of the meeting, may nominate and second one person to be considered for co-option from the interested parties, provided that the person nominated has expressed their interest in writing at least seven clear days before the meeting and is eligible for co-option. Only Councillors present at the meeting may nominate, second or vote upon a person to fill the vacancy. If nobody is nominated, then the process for filling vacancies at the meeting will end. There is no obligation upon any Councillor to nominate any of the applicants if they do not consider a person suitable for the Office of Councillor.
- The Council will vote (Councillors have only one vote each) by show of hands to decide who is to be co-opted. The Chairman of the meeting may exercise their casting vote if necessary. The Chairman will initiate a vote in alphabetical order if more than one candidate.
- If more than one person is nominated, and seconded, out of the interested parties, for a single vacancy, the Council will vote (Councillors have only one vote each) by show of hands to



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decide who is to be co-opted. In the event that no single candidate receives a majority on the first vote, the person with the lowest number of votes is eliminated, and voting takes place on the remainder, one vote per Councillor. This continues until one person receives an absolute majority. Note that the purpose of the vote is to determine who will be co-opted, not who will not be co-opted; Councillors may therefore either vote for one person who has been nominated or abstain.

- If there is more than one vacancy available, then each Councillor may nominate, second and vote for each available seat and the same procedure specified above is used to fill each separate vacancy.
- If a vote is successful and the vacancy/vacancies have been filled, the person/persons elected will then, sign a copy of the Declaration of Acceptance of Office, after the meeting, witnessed and kept by the Clerk.
- Successful candidates are then summoned to attend the next full meeting of the Council by which time they are to have read and understood the policies adopted by the Council, available on the website.
- The Clerk will advise the District Council as soon as practicable of the names of the successful candidate(s).
- All new Councillors must, within 28 days of election to office, fill in a Register of Interests form, available from the Clerk, which will be sent to the District Council.
- If any vacancies still exist, then as soon as practicable, a further Notice of Vacancy will be published, and the process will be repeated.