

GREAT WYRLEY PARISH COUNCIL

CO-OPTION PROCEDURE

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Vacancies arise on the Parish Council either by casual vacancy or after an uncontested election.

The filling of these vacancies differs slightly and the procedure is detailed below:-

CASUAL VACANCIES

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 or failure to attend meetings), resigns or dies. This vacancy is dealt with by holding a by-election or co-option. A vacancy must be filled as soon as practicable.

UNCONTESTED ELECTIONS

Following the close of nominations if there are fewer candidates than there are seats available, the candidates who have put themselves forward for election will be declared automatically elected and there will be one or more vacancies to fill following the election.

FILLING OF CASUAL VACANCIES

Notice of Vacancy

The Parish Council must give public notice of a vacancy as soon as possible in accordance with Section 232 of the Local Government Act, 1972. It may not be necessary to wait for a Parish Council meeting to authorise the posting of a notice. For example, in the case of a resignation, which is required to be delivered to the Chairman of the Parish Council, the vacancy is deemed to have occurred on receipt by the Chairman.

The Clerk will notify the Elections Team at South Staffordshire Council who will then issue the Vacancy Notice to be posted on the Website and Notice Boards.

Where the vacancy occurs other than within 6 months before the day on which that Councillor would regularly have retired, an election to fill the vacancy shall be held if within fourteen days after the public notice of the vacancy has been given, notice in writing of a request for such an election has been given to the returning Officer by ten persons who are registered as local government electors for the Parish or if the Parish is warded of the Parish ward. (Local Elections (Parishes and Communities) Rules 1986).

The Elections Team at South Staffordshire Council will notify the Clerk if an election has been called.

If an election has been called, public notice shall be given by the Parish Council by posting the notice on the Website and Notice boards.

Election Not Requested

If an election is NOT requested, the Returning Officer will inform the Parish Council that it must proceed as soon as practicable to co-opt a member to fill the vacancy. The person to be co-opted must be qualified to be a candidate.

Election Requested

If an election is requested the Parish Clerk will be notified. The poll will be held on a day chosen by the Returning Officer, falling within the period of sixty computed days beginning with the day on which the Public Notice of the vacancy was given.

Procedure for Co-option

The Parish Council must co-opt as soon as possible after the expiry of the 14 days and within 46 days after its expiry.

Once notice of vacancy period has passed the Parish Council will:

- Post vacancies on website and on the notice boards
- Any applicant will be asked to provide a written profile and attend an informal interview
- A special meeting will be set up to interview the applicants. The agenda will be issued in accordance with normal meeting rules and the name of each applicant will be included on the agenda.
- There will be no public forum in this meeting.

However, should any member of the public have any objections, these will be heard and taken into account when the decision is made.

A decision can only be made if the meeting is quorate, if the meeting is not quorate, the interview will continue and a recommendation to co-opt or reject the applicant will be made to Council at the next full Council meeting.

Making a decision:-

- Each application must be proposed and seconded.

A Councillor does not have to nominate any of the persons named.

If there is only one vacancy a councillor may only nominate or second one candidate.

If there is more than one vacancy a councillor may nominate one person for each seat. Each Councillor has one vote per seat i.e. two votes or three votes according to the number of vacancies.

- A vote is taken

The Chairman should place the names of those properly nominated into alphabetical order and take a vote. Councillors have only one vote each. The first candidate to receive an absolute majority of those present and voting is declared elected. Should no single candidate receive a majority on the first vote, the candidate with the lowest number of votes is eliminated, voting takes place on the remainder, one vote per councillor. This continues until one person receives an absolute majority.

The successful candidate is then declared co-opted to the Council and summoned to attend the next Council meeting where he/she will sign the Declaration of Acceptance of Office to agree to be bound by the Code of Local Government Conduct.

The Clerk will inform all applicants of the Parish Council decision and liaise with the co-opted applicants.

The Clerk will notify the Elections Team of South Staffordshire Council of co-opted Councillors.

Vacancies arising due to insufficient nominations for election

The law requires that the council fills these vacancies by co-option. The process is broadly similar to the process for filling casual vacancies (as detailed above), but there are two important differences when the vacancies arise due to insufficient nominations for election.

Firstly, the Council is not required to give notice of the vacancies so there is no statutory period for allowing the electorate to demand a by-election. The Council can proceed straight to co-option.

Secondly, the law requires that the vacancies be filled within 35 days of the day of the election, excluding Saturdays, Sundays, Bank Holidays and days of public thanksgiving or mourning.

Although there is no requirement to give statutory notice of the vacancies, notices of vacancy may be put on the website and notice boards to attract expressions of interest.

The vacancies cannot be filled until after the candidates that are declared automatically elected come into office.

If the Council fails to fill vacancies within 35 days of the day of the election, then the relevant principal council (South Staffordshire Council) has powers to take steps to ensure that the vacancies are filled, including ordering a new election.

In practice the District Council is unlikely to exercise the power if the Council can demonstrate that it is using best endeavours to fill the vacancies. Proceeding urgently with co-options is very important because, if the principal council does order a new election, the full cost would be transferred to the Parish Council.

Procedure for Co-option

The procedure is the same as the procedure for filling Casual Vacancies with the following exceptions:-

- No 14 day notice required

The day after the election, Clerk will post notices on the website and the Notice Boards to attract expressions of interest.

- Vacancy to be filled within 35 days of the election.
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Interview Questions

1. What are and where do you believe your skill sets lies?
2. How do you think your current skill set will be utilised within the Council?
3. Why do you wish to become a Parish Councillor?
4. What are some of the initiatives and actions you would like to take to improve our community?
5. If you had to choose three top attributes you think a councillor should display, what are they and why?
6. Involvement
 - (a) Would you be prepared to serve on Committees and Working Parties in addition to attending Full Council Meetings?
 - (b) Would you be prepared to take responsibility for specific tasks?
 - (c) Do you have any current or planned interests or memberships of any other group that may conflict with you attending Council meetings?
 - (d) Have you undertaken any form of community work, if so, could you provide a recent example.