



CASUAL VACANCY AND CO-OPTION PROCESS POLICY

Stoke Mandeville Parish Council – casual vacancy and co-option process policy

Title	Casual vacancy and co-option process policy
Owner	Chairman
Version number	1.0
Primary audience	General public, councillors and staff
Document location	Shared drive
Objective	
This policy sets out the procedure for filling casual vacancies and the process for co-option.	

CASUAL VACANCY

A casual vacancy may occur for any of the following reasons:

1. Resignations

A councillor may resign at any time by written notice delivered to the Chairman of the Parish Council. The chairman must accept the resignation, there is no procedure for withdrawing a notice of resignation once it is made. The resignation takes effect immediately upon receipt, even if a future date has been specified in the letter of resignation.

2. Disqualification

Reasons for disqualification include, but are not limited to, bankruptcy, holding a paid office or employment, the appointment to which are made by the Council or a criminal conviction with a prison sentence of 3 months.

3. Other causes of a vacancy

Death, failure to sign the Acceptance of Office and failing to attend a meeting of the council or committee for a period of six consecutive months and the reason for absence not being approved before the expiry of the six month period.

VACANCIES AFTER ORDINARY PARISH COUNCIL ELECTIONS

Provided enough Councillors were elected to form a quorum (4), the Parish Council should fill any remaining vacant seats by co-option.

QUALIFICATIONS TO BE A COUNCILLOR

To be a Councillor, a candidate must be aged 18 years or over and be a British, Commonwealth, Irish or European Union citizen AND either

(1) be an elector in the Parish

OR

(2) a person who has during the whole of the past twelve months EITHER

a. occupied land or other premises as owner or tenant in the Parish OR

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- b. has resided in that area or within three miles thereof OR
- c. has, during the same period, had his principal or only place of work in that area

PROCEDURE FOR FILLING CASUAL VACANCIES

1. Notify the Returning Officer at Buckinghamshire Council

When a vacancy occurs, the Clerk must notify the Returning Officer of the vacancy and then either:

- a) Display a notice informing residents of the vacancy. The notice runs for 14 days (not counting weekends or bank holidays) and gives the residents an opportunity to call for an election to fill the vacancy. The notice will also be put on the Council's website and, if applicable, the Parish Magazine.
- b) Or if the vacancy occurs in the last six months before the ordinary elections, the council is required to give a notice of the casual vacancy, but an election is not held. A resolution of the Council can decide whether to co-opt and can leave any unfilled vacancies to be filled at the ordinary elections.

2. Calling an election

During the fourteen days from the date of the public notice of the vacancy being displayed, ten electors from the Parish can call for an election to be held. The request must be made in writing to the Returning Officer. If such a request is received, the Returning Officer will set a date for the election (which must be within 60 days of the date of vacancy notice). Notices will be displayed announcing the election and detailing how to apply to be a candidate for election. If there are not enough candidates to fill the vacancies then a further election must be called, co-option is not an option. The cost of the election is borne by the Parish Council.

3. If an election is not called

The Parish Council is notified by the Returning Officer and must fill the vacancy by co-option as soon as possible.

PROCESS FOR CO-OPTION

1. Advertising the vacancy

On confirmation from Electoral Services that a casual vacancy must be filled by co-option the Clerk will put a notice on the Parish notice boards notifying that there is a vacancy with the reason for it and confirming there is to be a co-option. An item will also be placed in the local newspaper District Diary column and, if applicable, in the Parish Magazine.

The notice must state the rules for eligibility and direct interested persons to write to the Clerk confirming their eligibility to sit on the Parish Council with a short statement explaining the reasons for wishing to become a Parish Councillor.

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There will be a deadline for responses of not less than 3 weeks from the date of the notice. The date of the meeting when the co-option is to be made will be stated.

Canvassing councillors directly or indirectly for appointment to or by the Council shall disqualify the candidate from appointment.

2. Co-option Meeting

At the Council meeting when the co-option takes place, each nominee will be invited to speak for up to 3 minutes.

When all the nominees have spoken the Chairman shall seek proposers and seconders for each nomination and the vote will follow. Provided that the meeting has a quorum, the decision must be made by a majority of members who are present and voting as per the Council's Standing Orders.

The person presiding over the meeting may vote, and if there is an equality of votes, they may exercise their casting vote. Members must vote by show of hands unless the council has standing orders that provides for a signed Ballot.

Where more than 2 persons have been nominated for a position to be filled by the Council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. Any tie may be settled by the Chairman's casting vote. (Standing Order 8)

The council's debate and vote on the co-option must be conducted in the public section of its meeting. It follows that the candidates, as members of the public, will be entitled to be present during the proceedings.

CONFLICTS OF INTEREST

Council members shall declare any conflicts of interest which may exist, at the start of the co-option meeting. Such conflicts of interest would normally preclude their involvement in this stage of the co-option process.

Supporting Materials

This procedure should be read in conjunction with the following supporting materials:

- TBA

Review and approval

Sign off	Review Dates	Review Dates	Review Dates
Finance & Governance C'tee	18/08/2020	05/11/2024	
Full Parish Council	15/09/2020	19/11/2024	

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Next review date
This policy should be reviewed every three years or when significant change occurs to the subject matter.
The next review date for this policy is September 2027 .

Version Control / History

Version no.	Author	Date	Status/Comments
0.1	GWS	13.08.2020	Policy put into new template with minor amendments
1.0	GWS	15.09.2020	Conflict of interest section added – signed off by PC
2.0	AGS	05.11.2024	Change Bucks Herald to local newspaper