

## BEENHAM PARISH COUNCIL

### Procedure for Filling Casual Vacancies in the Office of Parish Councillor

#### BACKGROUND

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. This document sets out the full process which will be followed by Beenham Parish Council once casual vacancies have arisen, to ensure that good practice is followed.

This process will also be followed if vacancies 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.

#### NOTICE OF VACANCY

When one or more vacancies arise, 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 of each vacancy according to the timescale below. The content of this notice will depend on the when the vacancy has occurred:

- 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 Office in West Berkshire Council. 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.*
- 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.

The notice will also invite anybody who is interested in being co-opted to notify the Clerk in writing or by email of such interest at least four clear days before that 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). It will also state that they may, at the same time, make a

written supporting statement of not more than 200 words, or may make such a statement in person at the Council meeting at which co-option is being considered.

The notice will be displayed in public on the notice board nearest to the Community Room which is accessible at all times, 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 West Berkshire Council.

### **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. It will be an agenda item. If they are present, then each person who has indicated their interest in being co-opted will be invited to read their supporting statement, but will not be required to do so. They will not be asked questions.

The following process will then be followed to determine who is co-opted for each vacancy in turn, starting with the oldest:

- Each Councillor may nominate one person to be considered for co-option to fill the vacancy, provided that the person nominated has expressed their interest in writing at least four clear days before the meeting and is eligible for co-option. If nobody is nominated then the process for filling vacancies at the meeting will end.
- If more than one person is nominated and seconded, the Council will vote by show of hands to decide who is to be co-opted, and this will continue until one person obtains an absolute majority of those voting or only one person remains. If by doing so it would give one person an absolute majority, then the Chairman of the meeting may also make a casting vote. *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 no one person gains an absolute majority, then the person gaining the least votes shall be eliminated and voting will be repeated; in this case, if there is equality, then the Chairman of the meeting shall decide which one is to be eliminated.

This process will be terminated if nobody is nominated to fill a vacancy, or when all persons who have expressed an interest have been co-opted.

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

Persons co-opted may participate as Councillors during the remainder of the meeting at which they are co-opted, provided they first sign a 'Declaration of Acceptance of Office' form (copies of which will be made available at the meeting)

If any vacancies still exist, then as soon as practicable a further Notice of Vacancy will be published (see above) and the process will be repeated.

### **OTHER CONSIDERATIONS**

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.

Before any co-options take place, the Clerk will confirm with West Berkshire Council that no election is to take place. The Clerk will also advise West Berkshire Council as soon as practicable of the names of persons who have been co-opted.

## **TIMESCALES**

The initial Notice of Vacancy will be published according to the following timescale:

- If the vacancy has arisen due to failure to accept office, as soon as practicable after the meeting of the Council by which the declaration of acceptance should have been made
- 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 five days after the funeral, but the Council may resolve at any meeting to publish it sooner.
- 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.

Adopted by Beenham Parish Council on Monday 9<sup>th</sup> October 2019, item 19/073ii.