



Fairfields Parish Council

Procedure for Casual Vacancies and Co-option

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ELIGIBILITY OF CANDIDATES

The Parish Council is able to consider any person to fill a vacancy provided that:

- he/she is 18 or over; and
- he/she is a British citizen or a qualifying Commonwealth citizen

and at least one of the following apply:

- he/she is an elector for the Parish and continues to be an elector;
- or

- has resided in the Parish for the past twelve months or rented/tenanted land in the Parish;

or

- has had his/her principal or only place of work in the Parish for the past twelve months;

or

- has lived within three miles of the Parish for the past twelve months.

Should a candidate subsequently come off the register of electors, the qualification would lapse. The other three qualifications remain valid for the four year term, so even if a successful candidate leaves the parish he/she would not be required to resign, although it might be considered appropriate to do so.

Resignation

A councillor may resign at any time by written notice (including email) delivered to the chairman of the Parish Council. The chairman must accept the resignation. The resignation takes effect immediately upon receipt, even if some future date has been specified in the letter of resignation. Once a written resignation has been received by the Chairman this cannot be withdrawn..

Disqualification

Reasons for disqualification include:-

Bankruptcy; being employed by or undertaking paid work for the council; a criminal conviction with a prison sentence of three months or more; illegal Expenditure; or being found guilty of corrupt or illegal practices in election law.

Other causes of a vacancy

Death, failure to sign the declaration of Acceptance of Office, and failure to attend meetings for a period of six consecutive months without prior approval of the Parish Council.

Procedure for filling casual vacancies

When a casual vacancy arises on the Parish Council the process to fill a vacancy is as follows

The Parish Clerk must notify the Returning Officer at Milton Keynes Council of the vacancy. Then either:

1. The Parish Council must advertise the vacancy in the Parish in one or all of the following ways :
 - On Parish Council noticeboards
 - On the Parish Councils website
 - In the Parish Newsletter
2. Or if the vacancy occurs within six months of the next scheduled quadrennial election for the Parish Council the Council may take the decision not to fill the post.

Calling an election

During the period of fourteen days from the date of the public notice of the vacancy if ten electors from the parish call for an election one must be held. They must make their request in writing to the Returning Officer at Milton Keynes Council who will then take over the process. Vacancies should be filled by holding a by-election in the area where the vacancy occurs unless this is not practicable. Once an election has been called, co-option is not an option.

If an election is not called the Parish Council must fill the vacancy by co-option as soon as practicable.

Vacancies after ordinary Parish Council Elections

If insufficient valid nominations were received for the Parish Council quadrennial elections, all those validly nominated will be declared elected. If enough Councillors were elected to form a quorum the Parish Council should fill any remaining vacant seats by co-option. Should it fail to fill the vacant

seats within 35 days or if not enough councillors were elected to form a quorum, Milton Keynes Council may order a fresh election.

Co-option Process

The co-option process is as follows:-

The Parish Council will advertise the vacancy in the Parish in one or all of the following ways :

- On Parish Council noticeboards
- On the Parish Councils website
- In the Parish Newsletter

The notice will include

- A contact point so that people considering putting their names forward for co-option can obtain more information on the role of a Parish Councillor
- The co-option process
- The closing date for expressions of interest
- The date on which the Parish Council intends to make a decision

It is quite in order for Parish Councillors (or indeed any parishioner) to approach individuals to suggest they might wish to consider putting their names forward for co-option. It is important however that all applicants be treated alike so that arrangements are seen as open and fair therefore a Parish Councillor who approaches an individual should declare an interest during the voting process.

When contact is made the applicant will be invited in for a short discussion with the Chairman and/or Parish Clerk so that the role can be outlined and further information given. At this point the Chairman and Parish Clerk should check that the individual meets the qualification requirements, and confirm that if successful, they would be willing to accept the Code of Conduct and other obligations of a Parish Councillor.

Candidates will be invited to attend some (more than one) Committee and/or Full Council meetings to familiarise themselves with the workings of the council to ensure that they want to continue with the process.

When a single candidate for a single vacancy has been identified they will be invited to a full council meeting where the co-option is an agenda item to present themselves to council having sent in previously a brief CV which will have been circulated to Councillors prior to the meeting.

When more candidates have applied than the number of vacant seats Parish Council may decide to request following the applicants' attendance at a few meetings they will make their decision based on a written submissions plus a CV and not require the candidates to attend the meeting where the co-option is an agenda item and at which the decision will be made.

The council may only discuss each candidate's suitability for the role, when he/she and members of the public are NOT present.

Co-option voting process

If there are exactly as many as, or fewer candidates than vacancies, the Parish Council can vote on a composite motion, duly proposed and seconded, that all candidates be co-opted. If one or more candidates are considered to be unsuitable, Councillors can make that decision and the process of finding a suitable candidate be recommenced. It should be noted that there must be a valid reason why a candidate would be considered unsuitable.

If there are more candidates than seats, it will be necessary for existing Councillors present at the meeting to vote.

1. A successful candidate should have received an absolute majority vote of those present and voting. So if there are more than two candidates for one vacancy and none of them at the first count has an overall majority, the candidate with the fewest votes should be eliminated and the remainder put to the vote again. The process should be repeated as necessary until one candidate has an overall majority.
2. Each vacancy should be filled by a separate vote or series of votes. In the case of a tie for last place in any round of voting the candidate for elimination should be decided by lots.

After the Vote

The Parish Clerk will notify the candidates of the results by phone and confirm by email, as soon as reasonably possible (within 24 hours at the latest)

Successfully co-opted candidates become councillors in their own right, with immediate effect and are no different to any other member. As such they must sign the Declaration of Acceptance of Office and Registration of Interests at their first meeting or within 28 days of co-option, whichever is the sooner. Their term of office runs until the next quadrennial elections for the Parish Council.