Procedure for Co-Option as a Member of Ryhall Parish Council

Casual Vacancy
A casual vacancy occurs following the resignation or death of a serving member.
Rutland County Council is notified of the vacancy and the Corporate Services Department post a formal Notice of Vacancy. The notice will be displayed for fourteen days during which ten members of the parish can demand an election takes place. If called the by-election is then organised by Rutland County Council.
If an election is not called then the Parish Council will fill the seat by co-option.

Process
The vacancy by co-option will be advertised on notice boards within the parish and via social media for a minimum of four weeks.

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

- He/she is an elector for the parish; or
- has resided in the parish for the past twelve months or rented/tenanted land in the parish; or
- had his/her principal place of work in the parish; or
- has lived within three miles (straight line) of the parish.

There are certain disqualifications for election, of which the main are (see 5. 80 of the Local Government Act 1972):

- holding a paid office of the Parish Council
- bankruptcy;
- having been sentenced to a term of imprisonment (whether suspended or not) of not less than three months, without the option of a fine during the five years preceding the election; and
- being disqualified under any enactment relating to corrupt or illegal practices.

Applications
Candidates will be requested to:

- Submit information about themselves, by way of letter or e-mail and short presentation to the meeting outlining the reasons for their application .Applicants will also be asked to confirm their eligibility to serve, based on the above criteria.

Parish Council Meeting
If there is more than one applicant the Council will employ a process
The Clerk will report the names of the candidates to the Council
The Parish Council will consider the candidates for co-option to fill the vacancy at a Parish Council meeting.
The process will be carried out in the public session and there will be no private discussions between members prior to a vote being taken.
However where the Council is discussing the merits of candidates and inevitably their personal attributes, this could be prejudicial and the Council should resolve to exclude the members of the press and public.

Voting

- If there are more candidates than vacancies, the candidate with the least number of votes should be taken off the list of candidates, and if there are still more candidates than vacancies, the vote is taken again. This procedure should be repeated until the number of candidates equals the number of vacancies and each candidate has a majority vote.
- Even if there are fewer candidates than vacancies, each candidate must receive an absolute majority; no majority, no co-option. There is no "co-opted uncontested" provision within the law.
- The successful candidate must receive an absolute majority vote of those members present at the Parish Council meeting.
- If a member is not at the meeting the legislation does not provide for a proxy or postal vote.
- Each Councillor must vote; no councillor may abstain
- The Chairman may only use his casting vote if two successive voting rounds are stalemated

If the successful candidate is present at the meeting where the co-option is agreed they will sign the Declaration of Acceptance of Office and be able to participate in the meeting.

Questions

Any questions about the procedure for co-option, eligibility to serve or the roles and responsibilities of a Parish Councillor should be directed to the Clerk to the Council.

The Clerk will notify Corporate Services at Rutland County District Council of the new member appointment and request the new member completes a Registration of Interests form within 28 days of being co-opted.

Term of Office

A person elected or co-opted to fill a casual vacancy holds office until the person in whose place they are elected or appointed would regularly have retired

1)Any person being considered for co-option qualifies
2) All candidates are considered for co-option by a show of hands unless the Council's adopted Standing Orders allow for a secret ballot to be called.
3) Any successful candidate MUST receive an absolute majority of those councillors present and voting, i.e. it is not a case of who gets the most votes, an absolute majority must exist, including the use of the chair's casting vote. Even if you only have two candidates for 4 positions there is no "co-opted uncontested" provision within the law. No majority, no co-option.
4) Those co-opted must sign a declaration of acceptance of office before they join any meeting of the council as a member.
5) The council may set additional rules (by resolution of council), e.g. any deadline for nominations.
6) The Council can advertise/promote/approach individuals as you see fit, but any candidate who qualifies must be considered for co-option, i.e. be put to the vote, in the context of any agreed deadline.

1. Vacancies after an election

a. If there are not enough candidates to fill the remaining vacancies the Representation of the People Act 1985, section 21 allows the elected members, provided there is a quorum (i.e. one third of the whole numbers of members with a minimum of three) to co-opt members to fill the remaining vacancies.

2. Insufficient Candidates

i. If, following an ordinary election there are insufficient persons nominated to fill all the available seats, the parish has 35 days from the date of the election to co-opt persons to fill those vacancies without the necessity of advertising for a potential by-election. If, following the election, there insufficient councillors elected to form a quorum, the parish must advise the District council who can either appoint persons to be parish councillors or order another election.

(see section 39(4) Representation of the People Act 1983 and section 21(2) RPA 1985)

3. Vacancies without an election

a. If an election is not requested the parish clerk will be notified that the parish council must co-opt a member to fill the vacancy as soon as practicable. If the number of casual vacancies leaves the parish council without a quorum, the district council will order an election to be held and in the meantime may by order appoint people to fill all or any of the vacancies until other Councillors are elected and take up office.

4. **Combination of Elections**

a. The Representation of the People Act 1983, section 36, allows for the ordinary elections of district councillors to be combined with the ordinary elections of parish elections, if they are held on the same day. If a parliamentary election is called for the same day as the scheduled ordinary elections of district and parish councillors, the law provides for the parliamentary and district polls to be combined and the parish polling day to be postponed for three weeks.