

Procedure for Co-option of a Councillor to fill a casual vacancy occurring on Gosfield Parish Council

1. In the event of a casual vacancy being deemed to have occurred on Gosfield Parish Council (*see below for reasons for a casual vacancy occurring), the Clerk will declare that such a vacancy exists without recourse to a meeting of the Parish Council or committee.

2. The Clerk will notify the Electoral Services Office at Braintree District Council and will publicly display a Notice of Vacancy. In the case of a casual vacancy occurring due to death, the notice may be delayed for a respectful period.

3. If a casual vacancy arises within six months of the day when the councillor whose office is declared vacant would ordinarily have retired, then no bye-election may be demanded. As the Parish Council is permitted either to advertise the vacancy for co-option or to leave the office vacant until the date of the next ordinary election, the Parish Council will be asked at its next suitable meeting which option is wishes to pursue.

4. If, in the period of time required by legislation following the publication of the Notice of Vacancy (at present 14 working days), the Returning Officer at the District Council receives 10 letters from electors claiming a bye-election, the election process will commence and a bye-election will take place within 60 days of the notice of vacancy. The District Council will make all the necessary arrangements for such a bye-election.

5. If the Returning Officer does not receive10 letters from electors calling for an election to be held, then the co-option procedure will commence with step 6.

6. It is required that the vacancy be filled as soon as practicable after the expiry of the notice period in step 4 above and the Clerk will normally invoke this procedure without further recourse to a meeting of the Council or committee.

7. The vacancy to be filled by co-option will be advertised on the Parish Council's noticeboard and on the Parish Council's website (and/or other local media deemed appropriate) within 21 days of the end of the time for the notice period in step 4 above. The co-option advertisement notice will give interested parties 14 working days to notify the Parish Council that they wish to be considered for co-option.

8. All candidates will be expected to put their request for consideration in writing with a summary about themselves, which may include: reasons for wishing to be a councillor; previous community/council work; any other skills they can bring to the Council, their interests and recent career history. All candidates must also confirm their eligibility for the position of councillor within the statutory rules.

9. Candidates found to be offering inducements of any kind to members or officers of the Parish Council will be disqualified.

10. Applications for co-option will be considered by the next suitable meeting of the Council, following the expiry of the co-option advertisement notice.

11. Candidates will be expected to make every effort to attend the meeting at which the Parish Council proposes to appoint the co-opted member

12. Discussion about the applications will take place in Council session without intervention from the candidates or public.

13. A vote will then be taken by signed ballot and all candidates will be considered.

14. If there is more than one candidate, the candidate with the least number of votes cast will be deleted and the vote taken again until the number of candidates equals the number of vacancies. The successful candidate/s must have received an absolute majority vote of those present and voting.

15. The Council reserves the right not to make a co-option.

16. Candidates will be furnished with a full agenda of the meeting at which they are to be considered for appointment. The successful candidate/s will be appointed and sign their Declaration of Acceptance of Office and can then act as a councillor in line with normal election procedures.

17. The Register of Interest will be completed within 28 days and a copy passed on to the monitoring officer at Braintree District Council. The newly appointed councillor will be provided with an induction pack to include the Code of Conduct, Standing Orders and Financial Regulations of the Council.

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* A casual vacancy is deemed to have occurred
a) When a councillor fails to make the declaration of acceptance of office within the proper time
b) When a notice of resignation is received
c) On the day of his/her death
d) In the case of a disqualification under the Audit Commission Act 1998 or under the Local Government Act 2000, s79 or by virtue of a conviction on the day when either the time for appeal or application for relief expires, or such appeal or application is dismissed or abandoned
e) In the case of an election being declared void, upon the date of the report or certificate of the election court
f) Where a person ceases to be qualified, or becomes disqualified for any reason other than conviction or order, or is persistently absent from meetings, upon the date when the office is declared vacant by the High Court or council as the case may be

Re-Adopted
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Signed ……Chairman
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