



Sway Parish Council

Jubilee Field Pavilion, Station Road, Sway, SO41 6BE
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Clerk's Report to Council

February 2020

9. Co-option following a casual vacancy

Following the recent resignation and creation of a casual vacancy, please note the following:

1. Requirements

Notice of Vacancy must be displayed immediately following a resignation (in this instance, this was from 24/01/20). It must be displayed for 14 days. This was properly executed. An election is called if ten or more registered electors from Sway request it.

2. Elections Officer confirmation

Electoral Services confirmed on 13/2/20 that no request for an election was received. They advise that Sway co-opts a new Councillor as soon as is practicable.

3. Timetable

It is recommended that the Council publicise a two-week period for applications, with a closing date which must fall prior to the publication of an agenda for the meeting at which co-option would take place.

My proposed timeline for your approval is therefore:

- Wednesday 4th March: opening date for applications
- Wednesday 18th March: closing date for applications
- Thursday 26th March: Full Council Meeting where co-option could take place

4. Co-option Policy

The attached proposed revisions to the previous policy are to ensure legality with the Public Bodies (Admissions to Meetings) Act 1960 and Local Government Act 1972 s100.

Please note that the only matters which can legally justify the exclusion of the press and public are: employee matters; tender negotiations; legal proceedings and disputes.

5. Amendment to Standing Orders

In order to legally use a paper ballot specifically in the event of a co-option, it is necessary to amend our Standing Orders which currently do not allow this.

The proposed amendment is to add a new point (a) to section 8. Voting on Appointments:

“a Voting for candidates standing for co-option will be by way of a paper ballot; papers to be supplied and collected by the Clerk. Clerk and Chair to count and Chair to announce if a clear majority vote is apparent.”

The existing point (a) becomes (b).



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Clerk's Recommendation:

1. That Council resolves to co-opt a Councillor into the current vacancy, along the following timetable:
 - Wednesday 4th March: opening date for applications
 - Wednesday 18th March: closing date for applications
 - Thursday 26th March: Full Council Meeting where co-option could take place
2. That the Council resolves to adopt the following amendment to the Standing Orders:

To add a new point (a) to section 8. Voting on Appointments:

“(a) Voting for candidates standing for co-option will be by way of a paper ballot; papers to be supplied and collected by the Clerk. Clerk and Chair to count and Chair to announce if a clear majority vote is apparent.”

The existing point (a) becomes (b).

3. That Council resolves to adopt the revised Co-option Policy (see over)



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SWAY PARISH COUNCIL CO OPTION POLICY Draft for adoption at 27 February 2020 meeting

When a casual vacancy arises for Councillor to the Parish of Sway, the procedure is to:

1. Notify the New Forest District Council of the vacancy.
2. Advertise the vacancy on the Council's notice boards, website and social media channels.
3. An election to fill the vacancy shall be held if within fourteen days (calculated as per Section 4 of the Act) after public notice of the vacancy has been given, notice in writing of a request for such an election has been given to the Returning Officer at NFDC by ten persons who are registered as local government electors in the parish. (Local Elections [Parishes and Communities] Rules 2006).
4. On receipt of notification by the Returning Officer that an election has not been called, to place a notice on the Council's notice boards, website and in the local press requesting that applications to fill the vacancy be returned to the Parish Office within 14 days of publication in the press. (Candidates will be requested to supply a single sheet of printed A4 stating their background and reasons for wishing to serve on the Council and that there is no impediment to their becoming a councillor, as proscribed by law/statute)
5. Vacancy six months BEFORE Parish Elections: Where a vacancy occurs within six months before the day on which a councillor would regularly have retired at the next four-yearly election, Parish Councils may co-opt to fill the vacancy. During that final six-month period, there will be no formal election to fill any vacancies.
6. Following receipt of completed Applications, candidates will be **[summoned]** **invited** to attend the next Full Council meeting. *[Note to Council: there is no legal provision to summon candidates]*
7. At the next appropriate Full Council Meeting ~~[(with public and press excluded)]~~ the candidates will be given up to five minutes to elaborate on their submissions and an additional five minutes to allow Members to ask questions of them.
8. Candidates must be proposed and seconded for co-option in order for voting to take place.
9. Following interviews, ~~[the meeting to be reopened to the public and press and]~~ voting by means of a **[signed]** **paper** ballot to take place. If there is a single candidate, the vote should be 'for' or 'against' co-option. If there are more candidates than vacancies, the candidate with the lowest number of votes will be excluded. If two candidates poll the same number of votes a separate vote to eliminate one of them will be held. Voting will continue with the lowest polling candidate being excluded until the number of candidates matches the number of vacancies.
10. This business to conclude by the Chair of the meeting announcing the name(s) of the successful candidate(s).
11. The Clerk will advise the Returning Officer of the District Council of the name(s) of anyone co-opted to the Council.
12. Before the successful candidate(s) can participate in Council business, they must sign the Declaration of Acceptance of Office and deliver it to the Clerk.
13. The Clerk should ensure that all new Councillors have read and understand the Code of Local Government Conduct adopted by the Council and receive the same pack as elected members.



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14. All new councillors must, within 28 days of appointment to office, Register their Interests with the District Council Monitoring Officer. Usually forms are supplied by the Monitoring Officer to the Clerk.
15. On receipt of notification by the Returning Officer that an election has been called, the casual vacancy would be filled via by-election, as set out in the Local Government Act 1972 s89 and the Representation of the People Act 1983, under the guidance of the Elections Office at New Forest District Council.