

KESGRAVE TOWN COUNCIL

Resignation and Co-option to Casual Vacancies Policy



Resignation

According to the Local Government Act 1972, Section 84 Resignation (2):

"A person elected or appointed to an office under Part IV of the Local Government Act 1985 may at any time resign his office by written notice delivered to the proper officer of the authority of which he is a member and his resignation shall take effect upon the receipt of the notice by that officer."

And according to Section 84 (1):

"A person elected to any office under this Act or elected as an elected mayor may at any time resign his office by written notice delivered: (c) in the case of a parish or community councillor, to the chairman of the parish or community council;"

Therefore:

- If a Councillor wishes to resign from Council this must be communicated in writing to the Chair of Council.
- It will take effect immediately it is received by the Chair of Council.
- The resignation cannot be rescinded.
- If the Chair of Council wishes to resign this must be communicated in writing to the proper officer which is the Clerk.

Where a Councillor who has resigned wishes to be considered for rejoining Council they:

- are free to stand for re-election when the next election takes place; and
- may be considered for co-option by Council where it has decided to publicise a decision to co-opt to a casual vacancy but not the vacancy created by the individual's resignation.

Co-option to Casual Vacancies

A vacancy may occur on Council through the resignation/death of an incumbent Councillor or their position is vacated due to their non-appearance or no longer being eligible. Where this happens or where an insufficient number of eligible candidates are nominated to fill all vacancies at an election, Council has the option to fill one or all vacancies through the process of co-option.

Council recognises that it is better for democracy if Councillors are elected rather than relying on co-option, so it can be confident that Council is the community's choice of representatives. For this and associated reasons it is selective in using the co-option alternative and has in recent years carried a varying number of ongoing vacancies rather than co-opt in order to maintain a good majority of elected Councillors. Co-opted Councillors are expected to stand for election at the next opportunity.

Candidates that may be considered for co-option to Council must meet the same eligibility criteria as elected Councillors and they are required to follow a recruitment procedure. This normally involves the submission of a written CV and a discussion with the Clerk of what being a Councillor entails (part of the induction process) and optionally attend a Council meeting to introduce themselves and give an opportunity to be asked questions. All appointments are subject to the approval of full Council.

Where the casual vacancy relates to the Chair of Council a meeting of Council will be convened by the Clerk with the purpose of electing a replacement.

Last reviewed: 21 June 2021

Next review due: 21 June 2023