



## **Anston Parish Council Annual Meeting – 20<sup>th</sup> May 2019**

### **Agenda Item 8 – Casual Vacancy Briefing Paper**

#### **Background**

There has been a casual vacancy on Anston Parish Council for the south ward of the parish since the resignation of Cllr Stephen Smith on 19<sup>th</sup> February. Local electors were given the opportunity to call for a by-election to fill the vacancy, but one was not called. The Parish Council then advertised for expressions of interest in being co-opted on to the Council with the deadline for applications being 6<sup>th</sup> May. Three applications were received by the deadline and those were from Kevin Pearson, Rosie Robins and Marie Wilkinson.

#### **Voting Process**

At the meeting on 20<sup>th</sup> May the Council will be considering co-opting one of the candidates on to the Council. As agreed at the April meeting of the Council the candidates will be given up to three minutes to set out why they want to be co-opted and what skills and experience they would bring to the role followed by questions from members of the Council. The Council will then consider the presentations and written applications from the candidates and may wish to exclude the press and public from that discussion.

The voting itself will though need to be in public and to be co-opted on to the Council the successful candidate will need to achieve an absolute majority of those present and voting<sup>1</sup>.

Further to the above the Council should note the advice on pages 49-50 of 'Arnold Baker on Local Council Administration (11<sup>th</sup> edition) which states:

*"It follows that if there are more than two candidates for one vacancy and no one of them at the first count receives a majority over the aggregate votes given to the rest, steps must be taken to strike off the candidate with the least number of votes and the remainder must then be put to the vote again; this process must, if necessary, be repeated until an absolute majority is obtained.*

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<sup>1</sup> Local Government Act 1972, Sch 12, para 39.

*This will mostly be a satisfactory procedure, but if several candidates have obtained the same number of least votes and the aggregate of the others is less than a normal quorum (e.g. 3:2:2:2:2) it may be thought wise not to strike off all those with the least votes together but, if negotiations for withdrawals fail; to strike them off one by one, in an order determined by vote”*

The Council should also note that further to Section 5(5) of the Local Elections (Parishes and Communities) (England and Wales) Rules 2006 it should be seeking to fill the vacancy ‘as soon as practicable’. It would therefore be my opinion that the Council should co-opt one or other of the candidates on 20<sup>th</sup> May rather than reopen the process.

### **Recommendation**

Would councillors please note the above.

Chris Pilkington  
Clerk to Anston Parish Council  
15<sup>th</sup> May 2019