

CLERKS REPORT – 7th November 2016

Agenda Items

5a) Standing Order relating to 'Previous Resolutions' (6 month rule)

Mere Town Council's Standing Orders say:

7. Previous Resolutions

a) A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least 3 councillors to be given to the Proper Officer (Clerk) in accordance with standing order 9 below, or by a motion moved in pursuance of the recommendation of a committee or a sub-committee.

9. Motions for a meeting that require written notice to be given to the Proper Officer

a) A motion shall relate to the responsibilities of the meeting which it is tabled for and in any event shall relate to the performance of the council's statutory functions, powers and obligations or an issue which specifically affects the council's area or its residents.

b) No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer at least 5 clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.

c) The Proper Officer may, before including a motion on the agenda received in accordance with standing order 9(b) above, correct obvious grammatical or typographical errors in the wording of the motion.

d) If the Proper Officer considers the wording of a motion received in accordance with standing order 9(b) above is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer so that it can be understood at least 4 clear days before the meeting.

Information Items

Parish elections 2017 and the effect on casual vacancies from November 2016

Dates of office

At ordinary (i.e. main) elections, parish councillors all retire together on the fourth day after the ordinary day of election. All the newly elected councillors (irrespective of whether the election was contested or not) take up office on that day (Section 16(3) Local Government Act 1972). In 2017, the day of the election of unitary and parish councillors is Thursday 4 May. This means that existing parish councillors will cease office on Monday 8 May, and their successors will also take office on 8 May.

Effect on casual vacancies occurring on or after 8 November 2016

Rule 8(4) of the Local Elections (Parishes and Communities) Rules 1986 states that if a casual vacancy occurs in the office of parish councillor within six months before the day on which that councillor would normally have retired (i.e. before 8 May 2017) then the parish council may co-opt. The word "may" was subsequently changed to "must". The effect of this is that there will be no elections to fill any casual vacancies occurring between 8 November 2016 and 8 May 2017 and the parish council should co-opt "as soon as is practicable".

The Returning Officer must still be notified of vacancies as and when they occur.