

SPREYTON PARISH COUNCIL.

Co-option Policy.

This document sets out Spreyton Parish Councils approved and agreed practices. Any deviation must be made by resolution of the full Council and recorded below.

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Revision History

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Policy Review (where document reviewed but no changes made):

Review Number	Date	Resolution number & Minutes Ref:

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Introduction

This policy sets out the procedures for the co-option of Councillors.

The Local Government Act 1972, s86 states a casual vacancy occurs under the following circumstances:

- Councillor fails to make their Declaration of Acceptance of Office at the proper time;
- Councillor resigns;
- Councillor dies;
- Councillor becomes disqualified;
- Councillor fails for six months to attend meetings of a council committee or sub-committee or to attend as a representative of the Council a meeting of an outside body.

Spreyton Parish Council must notify West Devon Borough Council's Democratic services team of the casual vacancy and advertise the vacancy on parish council noticeboards and website. The public notice specifies all relevant dates. Purpose of advertising gives local government electors for the parish of Spreyton the opportunity to request a by-election – if ten give notice on or before the specified dates that they wish a by-election to be held to fill the vacancy, then a by-election will be held.

Co-option to Spreyton Parish Council.

If ten local government electors do not request a by-election, Spreyton Parish Council is able to co-opt, unless the casual vacancy occurs within a six month period ahead of a Parish Council election in which case Spreyton Parish Council may decide not to co-opt.

Eligibility

Spreyton Parish Council is able to consider any person to fill a vacancy provided that:

- The applicant is over 18 years of age on the day of nomination;
- Is a British citizen, an eligible Commonwealth citizen or a citizen of any other member state of the European Union.

And at least one of the following criteria is met:

- Is registered to vote in Spreyton parish, from the day of nomination onwards;
- Has lived in Spreyton parish (or within three miles of its boundary) for the whole of the previous 12 months;
- Has had their main or only place of work in Spreyton parish for the whole of the previous 12 months;
- Has occupied as owner or tenant any land or premises in Spreyton parish for the whole of the previous 12 months.

A person is disqualified from being a Parish Councillor if at the time of nomination and on the day of the by-election:

- They have served a prison sentence (including suspended sentences) of three months or more, without the option of a fine, within the last five years;
- Has been subject to a bankruptcy restriction order or interim order;
- Is an employee of Spreyton Parish Council;
- Is disqualified under legislation.

Applications

Applicants for co-option will be asked to submit information about themselves by completing a short application form ([Appendix 1](#)) and returning it to the Clerk no later than 1 week before the Council meeting.

Completed application forms will be retained by the Clerk and Page 2 of the form will be circulated to all Councillors for consideration at a Full Council meeting of Spreyton Parish Council. Consideration of applications will be dealt with in **public session**.

Voting Process

Voting will be according to the statutory requirement in that each successful candidate (which has been proposed and seconded) must have received an absolute majority vote of those present and voting. For example, if there are 9 members voting, the successful candidate must receive six votes, even with three or more candidates. If there are more than two candidates for one vacancy and neither receives an absolute majority vote, steps must be taken to 'strike off' the candidate with the least number of votes. The remaining candidates are then subject to the voting process again. In the case of a tie between the bottom candidates, the Chairman has a casting vote to eliminate one of those candidates. In the event of a tie between the remaining two candidates, the Chairman has a casting vote to select the winning candidate.

Example one: Three candidates (A, B & C) standing for one position with 14 members at the meeting. Candidate A gets six votes, candidate B gets five votes and candidate C receives three votes. Candidate C is eliminated and a subsequent vote takes place between candidates A & B.

Example two: Three candidates (A, B & C) standing for one position with 14 members at the meeting. Candidate A gets six votes, candidate B gets four votes and candidate C receives four votes. The chairman (with a casting vote) determines which of candidate B or C is eliminated and a subsequent vote takes place between the remaining candidates. This process must, if necessary, be repeated until an absolute majority is obtained.

Appendix 1: Spreyton Parish Council - Application form for co-option.

Clerk: Spreytonparishcouncil@gmail.com / 07749 029928 / www.spreytonparishcouncil.co.uk

Please complete this form to be considered as a candidate for membership of the parish council then return by e-mail in Word or PDF format to the Clerks email address above.

FULL NAME: _____

ADDRESS (inc postcode) _____

E-mail _____

Phone _____

Qualification to serve: You are at least 18 years old and a British citizen or an eligible Commonwealth citizen and you must be able to answer “YES” to at least one of the following four questions; please circle or highlight as many as apply to you.

1. 1.Are you registered at the above address as a Local Government Elector for the area of Spreyton Parish? YES / NO
3. 2. During the whole of the last 12 months have you resided in the Parish or within 3 miles (4.8 kilometres) of it? Show address if different from above. YES / NO
4. 3. During the whole of the last 12 months have you occupied as owner or tenant land or premises in the Parish? Give address of land or premises. YES / NO
5. During the whole of the last 12 months has your main place of work been within the Parish? Give address and place of work and employer if applicable. YES / NO

Disqualifications (as provided in the [Local Government Act 1972, s80](#); [Localism Act 2011, s34](#)): If you answer “YES” to any of the following six questions then it is likely that it will not be possible to co-opt you to the Parish Council. All information will be treated in the strictest confidence.

1. Do you now hold, or have you in the last 12 months held, any paid office or any other position of profit with this Council or an organisation controlled by the Council? YES / NO
2. Have you ever been surcharged by the District Auditor for £500 or more? YES / NO
3. Have you ever been disqualified by a Court from holding Public Office? YES / NO
4. Have you ever been declared bankrupt? YES / NO
5. Have you ever been convicted of any offence where the sentence of imprisonment was more than 3 months (even if sentence suspended)? YES / NO
6. Have you ever been found guilty of corrupt or illegal practices under Election Laws? YES/NO

I understand the information on page 2 of this form will be shared with Councillors (Cllrs).

Signed _____

Date_____.

CO-OPTION OF CLLR APPLICATION FORM (to be shared with Cllrs)
The Parish Council are keen to co-opt members of the community who are team players, willing to contribute their own ideas whilst respecting those of others and accepting majority decisions. Experience of serving on a council may be useful, but not essential as training can be provided.
NAME:
REASONS FOR WISHING TO BE A CLLR:
YOUR SKILLS WHICH MAY BE USEFUL AS A CLLR (INCLUDING ANY PREVIOUS COUNCIL EXPERIENCE):
ANY OTHER COMMENTS: