

MARLDON PARISH COUNCIL

CO-OPTION POLICY

1. 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.

Marldon Parish Council must notify South Hams District Council's Monitoring Officer of the casual vacancy and advertise the vacancy on town council noticeboards and website. The public notice (produced by South Hams District Council) specifies all relevant dates. Purpose of advertising gives local government electors for the parish of Marldon 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.

2. Co-option to Marldon Parish Council.

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

4. 3. Eligibility

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

- He/She 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 Marldon parish, from the day of nomination onwards;
- Has lived in Marldon 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 Marldon parish for the whole of the previous 12 months;
- Has occupied as owner or tenant any land or premises in Marldon 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 Marldon Parish Council;
- Is disqualified under legislation.

5. Applications

Applicants for co-option will be asked to submit information about themselves by completing a short application form (Appendix 1) and submitting a personal statement (no more than 300 words).

Completed application forms and personal statements will be circulated to all Members for consideration at a Full Council meeting of Marldon Parish Council. Consideration of applications will be dealt with in **public session**.

6. Voting Process

Voting will be according to the statutory requirement in that each successful candidate 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.

APPLICATION FOR CO-OPTION TO MARLDON PARISH COUNCIL

Name _____

Address _____

Telephone Number(s) _____
Email _____

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And at least one of the following criteria is met:

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- Has lived in Marldon (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 Marldon for the whole of the previous 12 months;
- Has occupied as owner or tenant any land or premises in Marldon 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 Bampton Parish Council;
- Is disqualified under legislation.

I confirm that I am eligible to apply for the vacancy of Marldon Parish Councillor in accordance with the above provisions:

Signed:

Date: