Ryhall Parish Council
Co-option Policy
(Insufficiency of Candidates at an Ordinary Election & Casual Vacancies)
Adopted : 02 November 0226

1. Purpose of the Policy
This policy sets out the procedure the Parish Council will follow when filling councillor vacancies by co-option. It covers two circumstances:

- **Insufficiency of candidates at an ordinary election**, where fewer candidates stand than there are seats.
- **Casual vacancies**, which arise mid-term for reasons defined in legislation.

The policy ensures that the Council acts lawfully, transparently, and in a way that supports effective governance.

2. Legislative Framework

- **Representation of the People Act 1985, s.21** – automatic election of validly nominated candidates and co-option powers where insufficient candidates stand.
- **Local Government Act 1972, s.87** – definition of casual vacancies.
- **Local Government Act 1972, s.91** – temporary appointment of councillors by the principal authority.
- **Representation of the People Act 1983, s.39(4)(b)** – reserve powers of the principal authority to constitute a council.
- **Local Elections (Parishes and Communities) Rules 2006** – procedures relating to elections and co-option.

PART A – Co-option Following Insufficiency of Candidates at an Ordinary Election
3. Circumstances in Which This Applies
At an ordinary election, if fewer candidates are validly nominated than the number of seats available, those nominated are automatically elected.
If the number of elected councillors is **at least a quorum** (three or one-third of the total membership, whichever is greater), the Council may fill the remaining seats by co-option.

4. Time Limit for Co-option
The Council must exercise its power of co-option **within 35 days** of the election result. When calculating the 35-day period, the following days are excluded:

- Saturdays
- Sundays
- Christmas Eve
- Christmas Day
- Good Friday
- Bank Holidays
- Days appointed for public thanksgiving or mourning

If the Council does not co-opt within this period, the **principal authority** may:

- Hold a further election, or
- Take other appropriate action to ensure the Council is properly constituted, including temporary appointments under s.91 of the 1972 Act.

5. Public Notice

There is **no legal requirement** to give public notice of vacancies arising from insufficient candidates. However, the Council **will** publish a notice inviting expressions of interest, as good practice and to encourage community participation.

6. Eligibility

Applicants must meet the statutory criteria for qualification as a parish councillor, including:

- Age 18 or over
- British, qualifying Commonwealth, Irish, or EU citizenship
- Meeting one of the four locality criteria (elector, residency, land/tenancy, or workplace within the parish or within 3 miles)

7. Application Process

The Council will:

1. Publish a notice inviting expressions of interest.
2. Provide details of eligibility and how to apply.
3. Set a closing date for applications.
4. Consider all eligible applicants at a properly convened Council meeting.

Applicants may be invited to speak briefly about their interest in the role. The Council may shortlist if necessary.

8. Decision-making

- Co-option decisions must be made **by full Council**.
- Voting will be by **show of hands**, unless the Council's Standing Orders specify otherwise.
- Where more than two candidates are considered for one vacancy, the successful candidate must receive a **clear majority** (more votes than the combined votes of all other candidates).

The successful candidate must sign a **Declaration of Acceptance of Office** before taking their seat.

PART B – Co-option to Fill Casual Vacancies

9. Definition of a Casual Vacancy

Under s.87 of the Local Government Act 1972, a casual vacancy occurs when:

- A councillor fails to deliver their Declaration of Acceptance of Office.
- A councillor resigns.
- A councillor dies.
- A councillor is disqualified (e.g., criminal conviction, failure to meet qualification criteria).
- An election court declares an election void.
- A councillor ceases to be qualified for reasons not listed above.
- A councillor fails to attend meetings for six consecutive months.

10. Statutory Notice Period

For casual vacancies, the Council **must**:

1. Notify the principal authority.
2. Publish a **public notice** of the vacancy (as required by s.87(2) and s.232 of the 1972 Act).
3. Allow a **14-day period** (excluding weekends and bank holidays) during which **10 electors** may request a by-election.

If a valid request is made → a by-election is held. If no request is made → the Council must co-opt **as soon as practicable** after the 14-day period.

11. Co-option Process for Casual Vacancies

Once permitted to co-opt, the Council will:

- Advertise the vacancy widely (noticeboards, website, social media).
- Invite written applications.
- Assess eligibility.

- Consider candidates at a Council meeting.
- Vote using the same procedure as in Section 8.

12. Transparency and Good Practice
The Council is committed to:

- Ensuring an open and fair process.
- Encouraging applications from a diverse range of residents.
- Making decisions based on merit, community interest, and the skills needed for effective governance.
- Maintaining clear records of the co-option process.

13. Failure to Fill Vacancies
If the Council is unable to fill vacancies by co-option—either due to lack of candidates or failure to achieve a quorum—the principal authority may intervene under its reserve powers (s.39(4)(b) of the 1983 Act and s.91 of the 1972 Act).

14. Review of Policy
This policy will be reviewed in accordance with the Document Review Schedule **every two years** or sooner if legislation or best practice guidance changes.