

Appendix C – Co-option Of Councillors

NALC Legal Topic Note 8 states the following regarding **insufficiency of candidates at an ordinary election**:

- Section 21 of the Representation of the People Act 1985 provides that where an insufficient number of candidates is validly nominated at an ordinary local council election to fill the vacancies on the council, those who have been validly nominated are automatically elected as councillors. Provided that those elected constitute at least a quorum (three or one third of the total number of councillors, whichever is the greater), the council (e.g. those elected unopposed) may co-opt any person or persons to fill the vacancies. If the power of co-option is not exercised within 35 days (in calculating which, Saturday, Sunday, Christmas Eve, Christmas Day, Good Friday, a Bank Holiday and a day appointed for public thanksgiving or mourning are excluded), the principal authority may then exercise its powers to hold a further election or to take other appropriate action to fill the vacancies. A principal authority has wide reserve powers to do anything necessary to constitute a council properly (section 39(4)(b) of the 1983 Act), including the temporary appointment of councillors pending a further election (section 91 of the Local Government Act 1972 (“the 1972 Act”).
- Before exercising the power of co-option, the council does not have to give public notice of the vacancy or vacancies, although it may do so if it wishes. In practice, the giving of public notice is a sensible way to attract possible candidates for co-option.

Bottesford Parish Council has 4 Councillors who faced an uncontested election, the Council will therefore look to fill the 5 remaining vacancies at its meeting on 15th May 2023 under agenda item 132/23.

Eligibility

All candidates have confirmed their eligibility to stand under the law which states that to be eligible stand an individual must be;

- a British subject, or a citizen of the Commonwealth or European Union,
- over 18 years of age,
- registered to vote in the area or have lived, worked, or owned property there for at least 12 months before the election.

A person is prohibited from standing as a Councillor if they:

- work for Bottesford Parish Council,
- hold a politically restricted post for another authority,
- are subject of a bankruptcy restriction order or interim order,
- have served a prison sentence (included suspended sentences) of three months or more within five years prior to the election,
- have been disqualified under any legislation relating to corrupt or illegal practices.

Rules for voting

- If there are exactly as many as, or fewer candidates than vacancies, the Parish Council may vote on a composite motion, duly proposed and seconded, that all candidates be co-opted.
- If there are more candidates than vacancies, it will be necessary for existing Councillors present at the meeting to vote, voting will be by show of hands in accordance with Standing Order 8. i.e the name of the person having the least number of votes shall be struck off the list and a fresh vote taken.
- Only Councillors present at the meeting may vote upon a person to fill the vacancy.
- Councillors should declare whether they are related or have close contacts with a candidate and will not take part in any aspect of the decision relating to that candidate(s)
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- Successful candidates will be supported by the majority of Cllrs.
- Successfully co-opted candidates become Councillors in their own right, with immediate effect, and are no different to any other member. As such, they must sign the Declaration of Acceptance of Office and Registration of Interests Form at their first meeting, or within 28 calendar days of election whichever is the sooner.