

Welsh Newton & Llanrothal Group Parish Council

Co-option Policy

Version 1.0 — Adopted 14 May 2026 — New policy
Agenda item 8 — Annual Meeting of the Parish Council, 14 May 2026

Version:	1.0
Date adopted:	14 May 2026
Replaces:	No previous policy — new document
Next review:	May 2027 (Annual Meeting of the Parish Council)
Author/maintained by:	Andrée Mitchell, Clerk/RFO
Legal basis:	Local Government Act 1972 ss79, 80, 83, 87; Localism Act 2011 ss27, 30, 33; Elections Act 2022 (qualifying EU citizens); Local Elections (Parishes and Communities) (England and Wales) Rules 2006 (SI 2006/3305) Rule 5; Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012; Standing Orders (as amended 12 March 2026)
Council composition:	7 seats in total: 4 for Welsh Newton parish; 3 for Llanrothal parish

1. Purpose

This policy sets out the procedure for Welsh Newton & Llanrothal Group Parish Council for filling casual vacancies by co-option. It ensures that the process is fair, transparent, legally compliant and consistently applied, regardless of the number of candidates or vacancies involved.

This policy operates alongside the council's Standing Orders (as amended 12 March 2026, which incorporate the paper ballot provision at SO 3(s) and the appointments voting procedure at SO 8). Where this policy is silent on any procedural matter, Standing Orders take precedence.

2. Legal Framework

A casual vacancy arises when a council seat becomes vacant between elections. Common causes include resignation, disqualification, failure to make a declaration of acceptance of office, ceasing to be qualified, or automatic vacation of seat under s85 LGA 1972 (non-attendance for six consecutive months).

When a casual vacancy arises the following statutory process applies:

- The Clerk/RFO notifies the Returning Officer (Herefordshire Council Electoral Services) as soon as practicable, and in any event within 14 days. (Note: neither s.87 LGA 1972 nor SI 2006/3305 specifies a time limit; prompt notification is a policy commitment and best practice.)
- Electoral Services publishes a notice of vacancy. Electors in the relevant parish have 14 working days from that notice to request a by-election by submitting a written request signed by ten or more electors. (Saturdays, Sundays, Christmas Eve, Christmas Day, Good Friday and bank holidays are excluded from the 14 working day calculation — Rule 2 of Schedule 2 to the Local Elections (Parishes and Communities)

(England and Wales) Rules 2006.)

- The Clerk/RFO has no independent means of knowing whether an election request has been submitted; electors submit directly to HC Electoral Services. The Clerk/RFO waits for confirmation from HC before advertising for co-option candidates.
- If no valid election request is received within the 14 working day period, HC Electoral Services notifies the council that it may proceed to fill the vacancy by co-option. The council should then fill the vacancy as soon as practicable — in practice, this means at the council's next scheduled meeting. If no meeting is scheduled within approximately six to eight weeks, the Chair should consider calling an extraordinary meeting. (Note: s.87 LGA 1972 is permissive — "the council may... fill the vacancy" — but prompt action is expected by the Electoral Commission.)
- If a by-election is triggered, the seat must remain vacant until the election is held. Co-option is not permitted.

Note on ward eligibility: a candidate for a Llanrothal vacancy must be qualified in relation to the Llanrothal area; a candidate for a Welsh Newton vacancy must be qualified in relation to the Welsh Newton area.

3. Advertising Vacancies

Once HC Electoral Services has confirmed that co-option may proceed, the Clerk/RFO will advertise the vacancy without waiting for a council resolution to do so — advertising is an administrative act within the Clerk's delegated authority.

The advertisement will be placed on: the council website; all council notice boards (Welsh Newton and Llanrothal); the Welsh Newton village Facebook group and any other active community social media channels; any local community newsletter or publication; and any other locations the Clerk/RFO considers appropriate.

The council serves two physically dispersed rural communities. For Llanrothal parish in particular, which has only one notice board in a relatively inaccessible location, the Clerk/RFO will consider what additional steps are appropriate to ensure residents genuinely have the opportunity to see the vacancy notice. This may include placing notices at prominent access points that residents are likely to pass in the ordinary course of their daily lives — such as fingerposts, kissing gates and footpath junctions giving access into the parish — where the Clerk/RFO has knowledge of those locations in their capacity as Parish Footpath Officer. The aim is genuine community engagement, not minimum compliance.

This council is at an early stage in its development and actively seeks to attract new councillors. Advertising should reflect that aspiration: clear, welcoming and visible.

Note on day/date: where an advertisement states both a day name and a date, the date takes precedence if there is a discrepancy. Any error must be corrected on the website promptly.

The advertisement will set out: the number and location of vacancies; the eligibility criteria; what the role involves; the closing date for expressions of interest; and contact details for the Clerk/RFO. The closing date will normally be set to allow expressions of interest to be circulated to councillors with the meeting papers.

4. Eligibility

To be eligible for co-option a person must: be 18 years of age or over; be a British citizen, a Commonwealth citizen, a citizen of the Republic of Ireland, or a qualifying EU citizen (as defined in the Elections Act 2022 — broadly, an EU citizen with settled or pre-settled status under the EU Settlement Scheme, or with rights under the Withdrawal Agreement); and meet at least one of the following qualifying criteria in relation to the relevant parish area:

- be registered as a local government elector for that area; or
- have occupied as owner or tenant any land or premises in that area during the whole of the previous 12 months; or
- have had their principal or only place of work in that area during the whole of the previous 12 months; or
- have resided in that area (or within 3 miles of it) during the whole of the previous 12 months.

A person is disqualified from being co-opted if they: hold a paid office or employment with the council; are subject to a bankruptcy restrictions order or a debt relief restrictions order or undertaking; have been convicted of a relevant offence and sentenced to imprisonment (whether suspended or not) of three months or more within the previous five years; are disqualified under the Representation of the People Act 1983 for a corrupt or illegal practice; or are otherwise disqualified under applicable legislation. The Clerk/RFO will check eligibility of all candidates before the co-option meeting.

5. Expressions of Interest

Candidates submit a written expression of interest to the Clerk/RFO by the closing date. The expression of interest should confirm the candidate's eligibility and include a brief statement of interest. There is no prescribed form; a letter or email is sufficient. The Clerk/RFO will acknowledge receipt of every expression of interest and circulate all expressions of interest received by the closing date to all councillors with the meeting papers.

If no expressions of interest are received by the closing date, the Clerk/RFO will re-advertise and report the position to the council. The council may continue to transact business with vacant seats provided it retains quorum (three members).

6. Conflicts of Interest

A councillor who has a disclosable pecuniary interest, other registerable interest, or non-registerable personal interest in a candidate must declare that interest and withdraw from the discussion and vote in relation to that candidate. This includes — but is not limited to — a councillor whose spouse, civil partner, or person with whom they are living as a spouse or civil partner (within the meaning of the Code of Conduct) is a candidate.

The declaration and withdrawal applies specifically to that candidate's consideration. Where there are multiple candidates and a draw of lots determines the order of consideration, the affected councillor: participates normally in all votes relating to candidates in whom they have no interest; declares their interest and leaves the room when the candidate in whom they have an interest is called; and returns to the meeting after the result of that vote is announced.

The Clerk/RFO is responsible for: flagging any known or foreseeable conflict of interest to the Chair before the meeting; checking quoracy before each vote where a councillor has withdrawn (minimum three); and recording all declarations and withdrawals in the minutes.

Important: where a co-option vote proceeds and a newly co-opted councillor is present in the room at the point of a subsequent vote in the same meeting, the co-opted councillor counts towards quorum from the moment they have signed their declaration of acceptance of office. The Clerk/RFO should advise the Chair of this before the meeting where relevant to quoracy calculations.

7. Co-option Process at the Meeting

7.1 Where there is only one candidate for a vacancy

The council may resolve to co-opt the candidate without a contested vote. The Chair invites the motion and, if carried, the candidate is co-opted. Any councillor may request that a formal vote be taken; if so, the vote proceeds by show of hands (or paper ballot if so resolved — see section 7.4).

7.2 Where there are multiple candidates — draw of lots

Where there are two or more candidates, the order of consideration is determined by a draw of lots before the voting begins. The purpose of the draw is to ensure that the risk of not being considered (if vacancies run out mid-process) falls randomly and equally across all candidates. The Clerk/RFO conducts the draw at the meeting in a manner that is open and observable. The drawn order is recorded in the minutes.

7.3 Voting procedure (general)

For each candidate in the drawn order, the council votes on whether to co-opt that candidate. The vote is a simple majority of those present and entitled to vote. If the candidate achieves a simple majority they are co-opted to one of the available vacancies, and if vacancies remain, consideration moves to the next candidate. If unsuccessful, consideration moves to the next candidate. If vacancies run out before all candidates have been considered, no further votes are taken. Where more candidates achieve a simple majority than there are vacancies, the run-off procedure at section 7.5 applies.

Where vacancies run out before all candidates have been considered: the draw of lots ensures that the risk of this outcome is distributed randomly. Remaining candidates are informed that the vacancy has been filled and invited to apply in any future round.

7.4 Paper ballot

A paper ballot may be used instead of a show of hands where it is deemed appropriate by a majority of councillors present. The council's Standing Orders (SO 3(s), as amended 12 March 2026) expressly identify co-option as a circumstance in which a paper ballot may be appropriate.

A paper ballot is not automatic. Before any individual vote where a paper ballot is desired, a councillor must move that the vote be taken by paper ballot. This motion must be seconded and carried by a majority of those present and voting, itself by show of hands. If carried:

Standing Order 3(s) (as amended by council resolution 12 March 2026 and readopted 14 May 2026): "Unless standing orders provide otherwise, voting on a question shall be by a show of hands. At the request of a councillor, the voting on any question shall be recorded so as to show whether

each councillor present and voting gave their vote for or against that question. Such a request shall be made before moving on to the next item of business on the agenda. At the discretion of the council, a vote may be taken by paper ballot if deemed appropriate (e.g. for a co-option) by a majority of councillors present and voting."

1. Any candidates present are asked to wait outside the room.
2. The Clerk/RFO distributes one ballot slip per councillor entitled to vote on that candidate.
3. Each councillor marks their slip: For / Against / Abstain.
4. The Clerk/RFO collects, counts and announces the numerical result. Individual votes are not announced.
5. The Chair declares the outcome.
6. Any candidate who was asked to wait outside is invited to return and is informed of the result.

7.5 Where more candidates achieve a majority than there are vacancies — run-off

Standing Order 8 — Voting on Appointments (NALC 2025 model, readopted 14 May 2026): "Where more than two persons have been nominated for a position to be filled by the Council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. A tie in votes may be settled by the casting vote exercisable by the chair of the meeting."

Note: SO 8 applies an absolute majority (more than half of all votes cast) in the run-off. The candidate with the fewest votes in each round is eliminated and a fresh vote taken. This continues until one person receives an absolute majority. A tie at any elimination stage is settled by the Chair's casting vote.

Note: SO 8 applies "where more than two persons have been nominated." Where exactly two candidates remain tied, the Chair's casting vote applies directly.

7.6 Statement by candidates (discretionary)

The council may, at its discretion, invite candidates to attend the meeting and make a brief statement (normally up to two or three minutes) before the vote. This is not a requirement. Where candidates are invited to make a statement they must be given reasonable notice and must wait outside the room while votes are taken. The council should apply the same invitation consistently to all candidates for a given set of vacancies.

8. Declaration of Acceptance of Office

A co-opted councillor must sign a declaration of acceptance of office before they can participate in council business as a member. Until the declaration is signed, the co-opted member may not speak, vote, or otherwise act as a councillor at any meeting, even if physically present. The declaration must be signed within two months of co-option; failure to do so results in the co-option lapsing (LGA 1972 s.83). The Clerk/RFO will have the declaration form available at the meeting. A co-opted councillor who signs at the meeting may participate in the remainder of that meeting immediately. Within 28 days of co-option the new councillor must register their interests with the Herefordshire Council Monitoring Officer.

9. Where No Suitable Candidate is Forthcoming

If no expressions of interest are received, or if all candidates fail to achieve a majority at the vote, the Clerk/RFO will: re-advertise with an extended closing date and broader channels; report the position to the next council meeting; and seek advice from HALC or NALC if the vacancy is causing governance difficulties. The council may continue to transact business with vacant seats provided it remains quorate (minimum three members of a seven-member council). If the council falls or risks falling below quorum it must seek legal advice immediately.

10. Record-Keeping

The Clerk/RFO will maintain a complete record of each co-option process including: the notice of vacancy and date of notification to HC Electoral Services; confirmation from HC Electoral Services; all advertisements placed; all expressions of interest received; the outcome of any draw of lots; the result of each vote; any declarations of interest and withdrawals; and the signed declaration of acceptance of office. Records are retained in accordance with the Document Retention and Disposal Policy.

11. References and Legal Framework

Provision	Source
Date of casual vacancy	Local Government Act 1972 (LGA 1972) s87
Qualifications for co-option	LGA 1972 s79
Disqualifications from co-option	LGA 1972 s80
Declaration of acceptance of office	LGA 1972 s83
Non-attendance and automatic vacation of seat	LGA 1972 s85
Election request period (14 working days) and co-option procedure	Local Elections (Parishes and Communities) (England and Wales) Rules 2006 (SI 2006/3305), Rule 5. Working day calculation: Rule 2 of Schedule 2.
Definition of co-opted member	Localism Act 2011 s27(4)
Register of members' interests	Localism Act 2011 s30; Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
Voting at meetings: show of hands and paper ballot	Standing Orders SO 3(s) (as amended 12 March 2026)
Voting on appointments: run-off procedure	Standing Orders SO 8
Nationality eligibility (qualifying EU citizens)	Elections Act 2022 (amending LGA 1972 s79 to restrict eligibility to qualifying EU citizens with settled/pre-settled status or Withdrawal Agreement rights)
Disqualification: corrupt or illegal practices	Representation of the People Act 1983 (corrupt and illegal practices)

Electoral Commission guidance on casual vacancies and co-option	Electoral Commission: How casual vacancies occur and Requests to hold a by-election. Council should fill vacancy as soon as practicable (s.87 LGA 1972 is permissive; Electoral Commission expects prompt action).
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12. Policy Review

This policy will be reviewed annually at the Annual Meeting of the Parish Council, or sooner if required by changes to legislation, Standing Orders, or significant changes in the council's circumstances.

Transitional provision: this policy is adopted at the Annual Meeting of 14 May 2026 and takes effect immediately. The council notes that a co-option process for a Llanrothal parish vacancy was already in progress at the date of adoption, having been conducted on an administrative basis in the absence of a formal policy. The council confirms that the process followed to date — comprising: notification to HC Electoral Services; publication of a vacancy notice; advertisement of the vacancy; receipt and acknowledgement of expressions of interest by the closing date; and circulation of expressions of interest to all councillors with the meeting papers — complies with the requirements of this policy. The co-option vote at this meeting proceeds under this policy. This policy applies in full to all co-option processes from the date of adoption.

Adopted: 14 May 2026 **Minute reference:** Item 8, Annual Meeting of the Parish Council, 14 May 2026 **Review due:** May 2027