

Co-option

RESPONSIBLE COMMITTEE: P&F

This is a policy/procedure document of Saltash Town Council to be followed by both Council Members and Employees.

Current Document Status			
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Version History					
Date	Version	Author/ editor	Committee/ date	Minute no.	Notes
01.2021	1	AJT	P&F 09.03.2021	173/20/21a	New policy (REC)
05.2021	2	AJT	ATM 20.05.2021	35/21/22a	Adopted
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02.2024	2024 DRAFT	AJT	P&F 27.02.2024	156/23/24f(2)	Reviewed for recommendation to FTC 03.2024
03.2024	2024	AJT	FTC 07.03.2024	367/23/24c	Recommended from P&F. Approved.
05.2024	2024	AJT	ATM 02.05.2024	64/24/25f(1)	Readopted.

08.2024	2024	AJT	P&F 24.09.2024	73/24/25a	Minor text amendments. Delegated authority to operate policy to Town Clerk. Recommended to FTC 10.2024
10.2024	2024	AJT	FTC 03.10.2024	205/24/25a	Approved.
01.2025	2025	AJT	P&F 14.01.2025	135/24/25a	Reviewed no amendments required
03.2025	2025	AJT	P&F 11.03.2025	164/24/25f(1)	Reviewed
04.2025	2025	AJT	-	-	Minor text amendments – qualifications.

Document Retention Period

Until superseded.

Co-option Policy

This policy sets out the procedure to be followed when co-opting members to fill a casual vacancy within the Town Council ensuring compliance with relevant legislation.

The operation of this policy is delegated to the Town Clerk, reporting back to Full Council.

Templates included in the appendix:

- Appendix A: Notice of a Casual Vacancy
- Appendix B: Co-option criteria
- Appendix C: Co-option eligibility declaration
- Appendix D: Application form
- Not included but to be sent with the Application Pack is the STC Privacy Notice

Background

s.87(2) of the Local Government Act 1972 requires a local council to give public notice of casual vacancies.

Casual Vacancy

A casual vacancy occurs when:

1. a councillor fails to deliver their declaration of acceptance of office at the proper time; or
2. a councillor resigns; or
3. a councillor dies; or
4. in the case of a councillor who is disqualified by virtue of a criminal conviction, under section 34 of the Localism Act 2011, the expiry of the period for making an application or appeal, or if an appeal or application has been made, the date that any such application or appeal process comes to an end;

5. on the date of a report or certificate of an election court that declares an election void;
6. a person ceases to be qualified to be a councillor for a reason not mentioned above; or
7. a councillor fails to attend a meeting for six consecutive months (section 85 of the 1972 Act).

Cornwall Council is notified by the Town Clerk of the vacancy and will post a formal Notice of Vacancy. The notice will be displayed for fourteen days during which ten members of the parish can request (in writing) that an election takes place. Cornwall Council will then organise the by-election.

If no election is called or following the call for an election no candidates stand, the Town Council will then fill the seat by co-option.

NOTE: if the vacancy falls within six months before the date when the councillor in question would have regularly retired (e.g. four days after the next ordinary election), a by-election will not be held but the Town Council may, but need not, co-opt a member to fill the vacancy. It must still give public notice of the vacancy.

Vacancies after 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 town 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 Town Council may co-opt any person(s) to fill the vacancy(ies).¹ There is no statutory requirement² to give public notice of the vacancy(ies) before exercising the power of co-option. However, in practice this may be a sensible way to attract possible candidates and demonstrates transparency.

¹ Where the power of co-option is not exercised within 35 working days, Cornwall Council may exercise powers to hold a further election or take other appropriate action to fill the vacancy(ies).

² s.21(2) Representation of the People Act 1985

The co-option process should be completed within six weeks of the new Town Council taking office (four days after the election).

Eligibility for Co-option

A person is eligible to be co-opted provided they are qualified to be a councillor³ and is not disqualified by the s.80 of the 1972 Act.

Eligibility criteria:

To be able to stand as candidate at a parish council election you must:

- be at least 18 years old
- be a British citizen, an eligible Commonwealth citizen, a citizen of the Republic of Ireland, a qualifying EU citizen or an EU citizen with retained rights
- Meet at least one of the following four qualifications:
 - You are, and will continue to be, registered as a local government elector for the parish in which you wish to stand from the day of your nominations onwards.
 - You have occupied as owner or tenant any land or other premises in the parish area during the whole of the 12 months before the day of your nomination and the day of election.
 - Your main or only place of work during the 12 months prior to the day of your nomination and the day of election has been in the parish area.
 - You have lived in the parish area or within three miles of it during the whole of the 12 months before the day of your nomination and the day of election.

When completing your application you will be asked to indicate which qualifications you meet. You should indicate on the form all those qualifications that apply to you.

There are certain disqualifications for election of which the main are:

1. holding a paid office under the local authority;
2. bankruptcy

³ s.79 of the 1972 Act

3. having been sentenced to a term of imprisonment (whether suspended or not) of not less than three months, without the option of a fine during the five years preceding the election; and
4. being disqualified under any enactment relating to corrupt or illegal practices.

Applying for a Casual Vacancy

Application packs can be downloaded from the Town Council website <https://www.saltash.gov.uk/councillorvacancies.php> or on request from the Town Council. (See appendix for templates)

Councillors co-opted to the Town Council are not eligible to claim the Members Allowance.

Procedure

<p>Vacancy arises</p>	<ul style="list-style-type: none"> • Councillors notified. • Electoral Services notified.
<p>Co-option (where no by-election is called)</p>	<ul style="list-style-type: none"> • Advertise notice of vacancy to be filled by co-option with a 14-day deadline. The notices will be placed on all Town Council notice boards; the Town Council website and social media pages; issued as a press and media release. • Prepare application packs including a copy of the STC Privacy Notice. • Application packs made available on website or on request.
<p>Co-option (vacancies after an ordinary election)</p>	<ul style="list-style-type: none"> • Advertise notice of vacancy to be filled by co-option after an ordinary election with a 14-day deadline. The notices will be placed on all Town Council notice boards; the Town Council website and social media pages; issued as a press and media release. • Where the power of co-option is not exercised within 35 working days, Cornwall Council may exercise powers to hold a further election or take other appropriate action to fill the vacancy(ies) s.21(2) Representation of the People Act 1985

	<ul style="list-style-type: none"> • The co-option process should be completed within six weeks of the new Town Council taking office (four days after the election)
After closing date	<ul style="list-style-type: none"> • Town Clerk (or officer with delegated authority) checks applications for eligibility. Eligible candidates invited to co-option meeting. • All eligible applications (Appendix D only, due to personal data protected by GDPR) are circulated to Councillors three days before the co-option meeting. These will only be sent to council email addresses marked to be treated as Strictly Private and Confidential. • Agenda issued for the meeting to include agenda item (to be the last item on the agenda): To receive applications for the office of Town Councillor and to co-opt a candidate to fill the existing vacancy in ----- Ward(s).
Co-option meeting (note this must be a Full Town Council meeting open to the public)	<ul style="list-style-type: none"> • Where a candidate is a relative of an existing Councillor, that Councillor should declare a prejudicial interest and withdraw from the meeting. • Each candidate (in alphabetical order) will be given three minutes to speak - introducing themselves to the town council, giving information on their background and experience and

	<p>explaining why they wish to become a member of the Town Council.</p> <ul style="list-style-type: none">• After the presentations Councillors may ask questions of the candidates before proceeding to the vote.• Each Councillor present has one vote per vacancy to be filled. The Chairman has the casting vote (Standing Order 3.19). For a candidate to be successful they will need to obtain an absolute majority of votes cast at the meeting. If there are more than two candidates and there is no candidate with an absolute majority in the first round of voting, the candidate with the least number of votes will drop out. Further rounds of voting will take place until a candidate has an absolute majority.• Where there are two or more candidates seeking co-option, that the voting should take place by written ballot. A written ballot is not a secret vote; it is a vote where only the clerk/officer is aware of how individual councillors voted• The officer circulates one ballot sheet to each member present and eligible to vote• Every voting Member must record their name on the ballot paper and then the name of their preferred candidate
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	<ul style="list-style-type: none"> • The officer collects all of the ballot papers and confirms to the Clerk that there are no duplicate ballot papers • The officer then counts the votes for each candidate, verified by the Clerk, the Clerk confirms the result to the Chairman, the Chairman informs the Town Council • The voting process will be repeated until such time as a candidate has a clear majority as outlined in Standing Order 8a
<p>After the meeting</p>	<ul style="list-style-type: none"> • Successful candidates will meet the Clerk the following day or at their earliest opportunity to sign the Acceptance of Office form. They may then attend a Town Council meeting. • Town Clerk notifies Electoral Services of the new Councillor appointed. • Declaration of Interests paperwork to be completed within 28 days • Administration office to issue induction pack and undertake all necessary administration processes.
<p>Where insufficient candidates come forward for co-option</p>	<ul style="list-style-type: none"> • The vacancy will be re-advertised and the process continue until an appointment is made.

APPENDIX A (new design and text for the notice of vacancy)

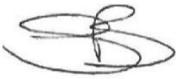
Saltash Town Council (use the modern logo)

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Notice for Co-option Vacancy

<ENTER WARD(S)> Vacancies for Town Councillors:

1. There is **<ADD NUMBER>** vacancies on Saltash Town Council, **<ENTER NUMBER>** in each Ward **<ENTER WARD NAME>**.
2. These vacancies will be filled by co-option at the Full Town Council Meeting to be held on **<ENTER DATE AND TIME>**
3. Completed application forms are invited and should be sent via email or in writing to the Town Clerk at the address below **before <ENTER DATE AND TIME>** An application form is available on the Town Council website and can also be requested by emailing enquiries@saltash.gov.uk or by calling the Guildhall on 01752 844846 option 5.
4. Prospective applicants should note that there are rules for eligibility which can be found in the application pack or can be obtained on request. Canvassing of Town Council members will disqualify applicants from standing.

Dated:	ADD DATE	Signed by Town Clerk / Responsible Finance Officer:	
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Email: townclerk@saltash.gov.uk

Post/hand deliver: Town Clerk
Saltash Town Council
12 Lower Fore Street
Saltash
Cornwall
PL12 6JX

APPENDIX B

Role of a Town Councillor: represents the residents in their ward and acts as an ambassador for the community. It can be a rewarding experience and many stand to speak on behalf of their community, to share the future of the town. The below skills, experience, and qualities will help you be a good Town Councillor:

COMPETENCY	ESSENTIAL	DESIRABLE
Relevant knowledge, Education, Professional Qualifications & Training	<ul style="list-style-type: none"> • Sound knowledge and understanding of local affairs and the local community. 	
Experience, Skills, Knowledge and Ability	<ul style="list-style-type: none"> • Solid interest in local matters. • Ability and willingness to represent the Council and their community. • Good interpersonal skills. • Ability to communicate clearly both orally and in writing. • Ability and willingness to work closely with other members and to maintain good working relationships with all members and staff. • Good reading and analytic skills. • Ability and willingness to work with the council's partners (e.g. voluntary groups, other parish 	<ul style="list-style-type: none"> • Knowledge of HR, procurement, contract management, financial control or risk management and compliance, public relations. • Experience of working in another public body or not for profit organization. • Experience of working with voluntary and or local community/interest groups. • Basic knowledge of legal issues relating to town and parish councils or local authorities.

	<p>councils, unitary authority, charities).</p> <ul style="list-style-type: none"> • Ability and willingness to undertake relevant training. • Ability to work under pressure. 	<ul style="list-style-type: none"> • Experience of delivering presentations. • Experience of working with the media. • Experience in financial control/budgeting. • Experience of staff management.
Other requirements	<ul style="list-style-type: none"> • Ability and willingness to attend meetings of the council (or the meetings of other local authorities and local bodies) in the evening and events in the evening and at weekends. • Flexible. • Enthusiastic. 	

APPENDIX C

CO-OPTION ELIGIBILITY FORM

Are you a British citizen, an eligible Commonwealth citizen, a citizen of the Republic of Ireland, a qualifying EU citizen or an EU citizen with retained rights? **YES/NO**

On the relevant date (the day on which you are co-opted) are you 18 years of age or over? **YES/NO**

Do you meet at least one of the following four qualifications?

Please tick all that apply:

You are, and will continue to be, registered as a local government elector for the parish in which you wish to stand from the day of your nominations onwards.	<input type="checkbox"/>
You have occupied as owner or tenant any land or other premises in the parish area during the whole of the 12 months before the day of your nomination and the day of election.	<input type="checkbox"/>
Your main or only place of work during the 12 months prior to the day of your nomination and the day of election has been in the parish area.	<input type="checkbox"/>
You have lived in the parish area or within three miles of it during the whole of the 12 months before the day of your nomination and the day of election.	<input type="checkbox"/>

Under Section 80 of the Local Government Act 1972 a person is disqualified from being elected as a local councillor if specific criteria are not met:

a. Are you employed by Saltash Town Council?	YES/NO
b. Are you the subject of a bankruptcy restrictions order or interim order?	YES/NO
c. Have you within the last five years been convicted of an offence in the UK, Channel Islands or Isle of Man which resulted in a sentence of imprisonment (whether suspended or not) for a period of three months or more without the option of a fine?	YES/NO
d. Are you disqualified by an order of court from being a member of a local authority?	YES/NO

DECLARATION

I <insert full name> hereby confirm that I am eligible for the vacancy of Saltash Town Councillor and the information given on this form is a true and accurate record.

Signed: _____

Print: _____

Date: _____

Saltash Town Council

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Application Form: Town Councillor

Name:

Address:

Postcode:

Telephone number:

Email address:

If there is more than one vacant seat, please tell us what Ward you wish to stand in, and the reason(s) why:

**Please tell us why you would like to become a Town Councillor.
(Maximum 300 words.)**

Please detail any experience you feel is relevant (e.g. volunteering, community projects, community interest).

Name of Applicant:

Signature:

Date:

Please return your completed application form and confirmation of eligibility form by post, hand delivered or emailed:

Post/hand delivered: Saltash Town Council
 The Guildhall
 12 Lower Fore Street
 Saltash
 PL12 6JX

Email: townclerk@saltash.gov.uk

Your Data:

Please refer to the Town Council privacy notice to see how Saltash Town Council uses your data.