



Co-option Policy

Lostwithiel Town Council

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1. Introduction

- 1.1 This policy sets out the procedure to ensure there is compliance with legislation and continuity of procedures in the co-option of members to Lostwithiel Town Council. The co-option procedure is entirely managed by the Town Council, and this policy will ensure that a fair and equitable process is carried out.
- 1.2 Whenever the need for co-option arises Lostwithiel Town Council will seek and encourage applications from those who meet the qualifying criteria and are eligible to stand as a councillor. Councillors can legally approach individuals to suggest they may wish to apply.
- 1.3 All vacancies will be advertised on the Town Council noticeboard and website.
- 1.4 The advertisement to co-opt will include:
 - The method by which applications can be made
 - The closing date for all applications
 - A contact point to obtain more information
- 1.5 Lostwithiel Town Council is not obliged to fill any vacancy/vacancies. Even if the Town Council invites applications for co-option, it is not obliged to select anyone from the candidates who apply.
- 1.6 However, it is not desirable that electors in a particular Parish/Town be left partially or full underrepresented for a significant length of time. Neither does it contribute to effective and efficient working of the Town Council if there are insufficient councillors to share the workload; equitably; to provide a broad cross-section of skills and interests; or to achieve meeting quorums without difficulty.
- 1.7 This co-option policy will be reviewed every four years.

2. Co-option (Casual Vacancy/Vacancies)

- 2.1 The co-option of a town councillor occurs when a casual vacancy/vacancies has/have arisen on the council and no by- election has been called. A casual vacancy/vacancies occurs when:
 - A councillor fails to make their declaration of acceptance of office at the proper time

- A councillor resigns
- A councillor dies
- A councillor becomes disqualified
- A councillor fails for six (6) consecutive months to attend meetings of a council, committee, or subcommittee or to attend as a representative of the council at a meeting of an outside body

2.2 The Town Council must notify Cornwall Council of a Casual Vacancy/Vacancies and then advertise the vacancy/vacancies notice issued by Cornwall Council which gives electors the opportunity to request an election. This occurs when ten or more electors write to Cornwall Council stating that an election is requested.

2.3 If Cornwall Council confirms that ten or more residents have not requested a by- election within fourteen working days of the vacancy/vacancies being posted, Lostwithiel Town is able to co-opt a councillor.

3. Co-option (Ordinary Vacancy/Vacancies)

3.1 Insufficiency of Councillors and the consequential loss of the General Power of Competence may prompt the Town Council to request Cornwall Council holds a by-election

3.2 Insufficiency of Councillors at an ordinary election also provides the Town Council with authority to exercise its rights to co-opt any person or persons to fill any vacancies within 35 days following the date of said ordinary election.

4. Confirmation of Co-Option

4.1 Written confirmation that the vacancy/vacancies can be filled by means of co-option has been received from Cornwall Council's Electoral Services prior to any vacancy/vacancies being advertised.

4.2 The Clerk will:

- Advertise the vacancy/vacancies for four weeks on the Town Council notice boards and website.
- Advise Cornwall Council that the co-option policy has been instigated.

5. Eligibility of Candidates

5.1 Qualification Categories LGA1972 Part V (79)

Regarding the arrangements for the filling of any vacancy/vacancies where co-option applies, the Town Council may co-opt as a member, any person who is legally qualified to hold such office, and who is willing to serve, is British or a citizen of the Commonwealth or European Union, 18 years old or over and meets at least one of the following qualification categories: -

- (a) is registered as a local government elector for the parish;
- (b) has during the whole of the preceding twelve months occupied as owner or tenant, any land, or premises in the parish;
- (c) their principle or only place of work during the preceding twelve months has been in the parish;
- (d) had during the whole of the preceding twelve months resided in the parish or within 4.8 km thereof.

5.2 Disqualification Categories LGA 1972 Part V (80)

There are certain disqualifications for election which are listed in the Local Government Act 1972 Part V (80).

This legislation includes the following: -

- a) holding a paid office or employment with the Town Council;
- b) Bankruptcy
- c) Having been sentenced to a term of imprisonment (whether suspended or not) of more than three months, without the option of a fine during the five years preceding the election and
- d) being disqualified under any enactment relating to corrupt or illegal practices.

6. Applications

- 6.1 Candidates will be requested to submit a written expression of interest to the Town Clerk by way of a short personal statement giving reasons for their interest in joining the Town Council together with a summary of their background and skills that they can offer the Council

- 6.2 Following receipt of applications, the next suitable Full Council meeting will have an agenda item 'To receive written applications for the office of Town Councillor and to co-opt a candidate to fill the existing vacancy/vacancies.
- 6.3 Eligible candidates will be invited to attend the meeting.
- 6.4 Copies of the eligible candidates' applications will be circulated to all town councillors by the Clerk at least 3 clear days prior to the meeting of the Full Council, when the co-option will be considered.
- 6.5 All such documents will be treated by the Clerk and all town councillors as strictly Private and Confidential.
- 6.6 If the number of candidates exceeds the number of vacancies by more than 3 the Council will consider it necessary to hold a co-option meeting.

7. At the Co-Option Meeting

- 7.1 At the co-option meeting, which will be carried out in public session, candidates will be given an allotted time and will be asked to adhere to that time so there will be no overlap of applicants. Each candidate will have a maximum of five (5) minutes to introduce themselves to members, give information on their background and experience and explain why they wish to join Lostwithiel Town Council.
- 7.2 After the presentation, members will ask each candidate the agreed list of questions (see Appendix 1). The candidate/s will be thanked for attending the meeting and advised the outcome of the co-option will be conveyed to them in writing. The Clerk will issue those decision letters and offer feedback as soon as practicable after the meeting.
- 7.3 A ten (10) minute break will be taken between candidates to prevent any overlap.
- 7.4 Once all the candidates have finished giving their submissions, the Council will proceed to a vote on the suitability of each candidate utilising the 'person specification' criteria set out in Appendix 2 and any personal statements provided by candidates. Voting will take place by written ballot as soon as all candidates have finished giving their submissions. The process will be carried out in public session and there will be no private discussions between councillors prior to a vote being taken.
- 7.5 If a candidate is a relative of a Councillor, that Councillor should declare a non-registerable interest and withdraw from the meeting.

- 7.6 In order for a candidate to be elected to the council it will be necessary for them to obtain an absolute majority of votes cast (50% + 1 of the votes available at the meeting). If there are more than two candidates and there is no candidate with an overall majority in the first round of voting the candidate with the least number of votes will drop out of the process.
- 7.8 Further rounds of voting by written ballot will then take place with the process repeated until a candidate has an absolute majority. In the event of a tied ballot, the Mayor has the casting vote.
- 7.9 Only councillors present at the meeting may vote upon persons to fill these vacancy/vacancies. Councillors will have one vote per vacancy/vacancies to be filled.
- 7.10 The Clerk will notify Electoral Services of the new Councillor(s) appointment, initiate 'Acceptance of Office' paperwork and 'Registration of Interests' within 28 days of being elected.
- 7.11 If insufficient candidates are co-opted, the process should continue, whereby the vacancies are again advertised.
- 7.12 Any candidate(s) found to be offering inducements of any kind will be disqualified.

8. Elected Councillors (Co-option)

- 8.1 Successfully co-opted candidates become councillors in their own right, with immediate effect, and are no different to any other member. They will be asked to sign the Declaration of Office at the next meeting. For the avoidance of doubt Councillors elected by co-option are full members of Lostwithiel Town Council.
- 8.2 Co-opted members will, once they have signed the Declaration of Acceptance of Office and agreed to be bound by the Local Government Code of Conduct, take their seat at Council and are then able to be appointed to a committee and/or as a representative to local organisations.
- 8.3 Any application can be considered in a candidate(s) absence, but if successful, members would need them to sign the Declaration of Acceptance of Office and complete their register of Interests within the legal timeframes.

Annex 1: Agree List of Candidate Questions:

Full name	
What do you personally feel the role of a Town Councillor to be.	
What do you feel are this councils strengths and weaknesses.	
How would you personally be able to build on these	
What qualities, skills and experience do you have to offer to this council	
Why do you want to be a town Councillor.	

Annex 2: Co-opted Councillor Person Specification

This table suggests essential and desirable skills for candidates of the casual vacancy/vacancies.

Competency	Essential	Desirable
Personal Attributes	<ul style="list-style-type: none"> ▪ Sound knowledge and understanding of local affairs and the local community. ▪ Forward thinking. 	<p>Can bring a new skill, expertise or key local knowledge to the Council.</p>
Experience, Skills, Knowledge and Ability	<ul style="list-style-type: none"> ▪ Ability to listen constructively. ▪ A good team player. ▪ Ability to pick up and run with a variety of projects. ▪ Solid interest in local matters. ▪ Ability and willingness to represent the Council and their community. ▪ Good interpersonal skills and able to contribute opinions at meetings whilst willing to see others' views and accept majority decisions. ▪ Ability to communicate succinctly and clearly. ▪ Ability and willingness to work closely with other members and to maintain good working relationships with all members and staff. ▪ Ability and willingness to work with the Council's partners (e.g. voluntary groups, other parish Councils, principal authority, charities) ▪ Ability and willingness to undertake induction training and other relevant training. 	<ul style="list-style-type: none"> ▪ Experience of working or being a member in a local authority or other public body ▪ 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 ▪ Experience of delivering presentations

Competency	Essential	Desirable
Circumstances	Ability and willingness to attend meetings of the Council (or meetings of other local authorities and local bodies) at any time and events in the evening and at weekends.	