



Co-option Policy and Procedures

1. Introduction

This policy is based on guidance contained in the National Association of Local Councils (NALC) Legal Briefing L15-08: *Good Practice for the Selection of Candidates for Co-option to Local Councils*.

Town and Parish Councils have the power to co-opt a person onto the Council to fill a casual vacancy when an election is not required. This occurs when the vacancy has been formally notified and fewer than ten registered electors request an election by the deadline specified by the East Suffolk District Council Returning Officer.

Although inviting expressions of interest is not a legal requirement, NALC strongly recommends publicising vacancies to ensure the co-option process is open, transparent, and accessible.

Whenever the need for co-option arises, Felixstowe Town Council will seek and encourage applications from anyone who is eligible to stand as a Town Councillor. Councillors and members of the public may approach individuals informally to suggest that they consider applying.

The co-option notice will include the method for submitting applications, the closing date, and contact details for further information.

This policy will be reviewed at the beginning of each new Council term (normally every four years).

2. Co-option Stage 1

A casual vacancy occurs during the Council term when:

- a councillor fails to make their declaration of acceptance of office on time
- a councillor resigns
- a councillor dies
- a councillor becomes disqualified
- a councillor fails for six months to attend meetings without approved reasons

Felixstowe Town Council will notify East Suffolk District Council of the vacancy and publish a notice to allow electors to request an election. An election is triggered when at least ten electors write to the Returning Officer requesting one within the statutory deadline (currently 14 working days, excluding weekends and bank holidays).

If an election is duly requested, the Returning Officer will organise the poll. Felixstowe Town Council will be responsible for the associated costs.

If more than one valid nomination is received, a contested election will be held. If only one person is validly nominated, they are elected unopposed.

If no election is requested within the statutory period, the Returning Officer will authorise the Council to fill the vacancy by co-option.

Following confirmation that the vacancy may be co-opted, the Council will:

- advertise the vacancy for four weeks on Council noticeboards, the website, and other communication channels
- notify councillors that the co-option process has begun

3. Co-option Stage 2

Where insufficient candidates have stood at an ordinary election, Felixstowe Town Council may co-opt eligible persons to fill any remaining vacancies within 35 days of the election date.

4. Eligibility of Candidates

A person is qualified to be co-opted as a councillor if they meet at least one of the criteria in the Local Government Act 1972:

- they are on the electoral register for the Town; or
- they have lived in the Town area for the past 12 months; or
- they occupy land or premises in the Town area; or
- their principal or only place of work is within the Town area; or
- they live within three miles of the Town boundary

Disqualifications include:

- holding a paid office or employment under the Council
- being subject to a bankruptcy restrictions order or undertaking
- having been sentenced (including a suspended sentence) to imprisonment for at least three months within the previous five years
- being disqualified for corrupt or illegal electoral practices under relevant legislation

Eligibility will be confirmed at the Full Council meeting by the Town Clerk.

All eligible candidates will be invited to attend the relevant Council meeting. If a candidate cannot attend, the meeting will not be rescheduled.

5. Applications

A co-option criterion will be provided to help guide applicants.

Candidates will be asked to:

- confirm their eligibility
- complete an application form

The following item will appear on the relevant agenda:

“To receive and consider applications for co-option to Felixstowe Town Council and to co-opt a candidate to fill the vacancy.”

Applications will be circulated to councillors confidentially at least three clear days before the meeting, or tabled at the meeting where necessary.

6. Full Council Co-Option Meeting

Candidates will be invited to introduce themselves for up to five minutes and outline their background and reasons for seeking co-option.

Members may ask questions before proceeding to vote.

The process will take place in public unless discussion of personal attributes requires exclusion of the press and public.

Where a candidate is related to an existing councillor, that councillor must declare a prejudicial interest and withdraw.

Each candidate must be properly proposed and seconded. Voting is by show of hands unless a recorded vote is requested.

A successful candidate must receive an absolute majority (50% + 1 of votes cast).

If no candidate achieves this in the first round, the candidate with the fewest votes is eliminated and further rounds are held.

Only councillors present may vote; proxy voting is not permitted.

The Chair has a casting vote.

Following the meeting, the Clerk will notify Electoral Services and arrange for the successful candidate to complete:

- the Declaration of Acceptance of Office
- their Register of Interests (within 28 days)

If insufficient candidates come forward, the vacancy will be re-advertised. Where more candidates apply than there are vacancies, each vacancy will be voted upon separately.

Felixstowe Town Council is not obliged to fill a vacancy but must continue to take reasonable steps to do so or request an election where appropriate.

Any candidate offering inducements will be disqualified.

7. Elected Councillors – Co-Option

Successful candidates become councillors immediately and have the same rights and responsibilities as any other member.

Co-opted members must sign the Declaration of Acceptance of Office and agree to comply with the Council's adopted Code of Conduct (Localism Act 2011).

If a candidate is co-opted in their absence, the Council may permit the Declaration of Acceptance of Office to be signed before or at the next Council meeting (LGA 1972 s83(3)).

8. Applying For A Casual Vacancy

Potential candidates must wait for publication of the statutory casual vacancy notice before formally submitting an application. Expressions of interest may be submitted in advance, but they can only be considered when East Suffolk District Council has confirmed that co-option is permitted.

9. References

- Local Government Act 1972 (including s79, s80, s83(3), Sch. 12 para 39)
- Representation of the People Act 1983
- Localism Act 2011
- Elections Act 2022
- Equality Act 2010
- Employment Rights Act 1996
- Human Rights Act 1998
- UK GDPR and Data Protection Act 2018
- NALC Legal Briefing L15-08

Policy Approved: Finance & Governance Committee December 2025

Review Body: Council

Review Period: At least once during each Council term.

Next Review: December 2029