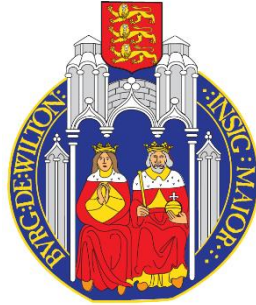


WILTON TOWN COUNCIL

Ancient Capital of Wessex



Town Clerk

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WILTON TOWN COUNCIL

Co-option Policy

Adopted on 5th July 2022

Reviewed January 2024

Re-adopted 6th February 2024

Minute reference: 28/24 (vi)

Qualification criteria amended April 2025 to comply with Electoral Commission.

Review date: July 2028

1. Introduction

Vacant seats following the election process are classed as “ordinary vacancies”. It is the responsibility of Wilton Town Council to fill ordinary vacancies within 35 days of the election (excluding Saturdays, Sundays and Bank Holidays).

“Casual” vacancies¹ are those which occur when a seat is vacated during the four year term. The six causes of a Casual vacancy are;

- Failure to complete a declaration of acceptance of office within the proper time.
- When a notice of resignation has been received, a Councillor may resign at any time by written notice, there is no procedure for withdrawing a notice of resignation once it is made. The resignation takes effect upon receipt, and this is the effective date for the vacancy. The only exception being if the Chairman resigns, as they must resign to the whole council.
- Death. The vacancy is deemed to have occurred on the date of death.
- Ceasing to be qualified. This is when a Councillor has used their registration as an elector as the only qualification for nomination, and they cease to be on this register. Note all other qualifications continue for the full term of office. The council must declare the vacancy forthwith and the vacancy deemed to have occurred on the date of this declaration.
- Becoming disqualified. Through bankruptcy, office holding, surcharge, conviction, court order or being found guilty of corrupt or illegal practices in election law.
- Failure to attend meetings. If a Councillor fails throughout a period of six consecutive months from the date of their last attendance to attend any meeting of the Council (including committees and sub committees or as a representative of the Council) they shall, unless the failure was due to some reason approved by the Council before the expiry of that period, cease to be a member of the Council. The effective date of the vacancy is the date declared by the Council.

2. Notice of Vacancy

2.1. If a vacancy arises within six months of an election, the Council can agree to wait until the election to fill the vacancy.

2.2. In all other instances, the following process must be followed:

2.2.1. The Clerk will send an email to elections@wiltshire.gov.uk to inform Wiltshire Council that a vacancy has occurred with the details of who has resigned and the reason.

2.2.2. Wiltshire Council will send a Notice of Vacancy stating who and what has caused the vacancy, e.g. resignation, the date of the notice, the deadline for electors to call a by-election and the address of the Returning Officer at Wiltshire Council.

2.2.3. The form is displayed on the notice board and the Council’s website.

2.3. WC will notify Wilton Town Council if a by-election has been called. If not, Wilton Town Council will be entitled to fill the vacancy by co-option.

¹ Local Government Act 1972, section 87.

2.4. If a by-election is called by 10 or more electors, then Wiltshire Council will be responsible for the election process and the cost of the election will be invoiced to Wilton Town Council.

2.5. If a by-election is called, Wilton Town Council must confirm to Wiltshire Council whether poll cards are required.

3. Co-option Process

Co-option is the process by which Wilton Town Council selects a new Councillor and it is done as an agenda item within a monthly Town Council meeting. Wilton Town Council entirely manages the process of co-option and strives to demonstrate that it is fair and equitable by following the procedure set out below:

- 3.1 Wilton Town Council posts a notice on Wilton Town Council Noticeboard inviting interested candidates to write to the Clerk, by a specified date, explaining why they would like to be a councillor and listing the principal skills and experience that they could bring to the role.
- 3.2 Upon receipt, Wilton Town Clerk will check (as far as reasonably possible) that the candidate is eligible in accordance with the Local Government Act 1972, section 79-80.
- 3.3 Following receipt of eligible applications, the next Town Council meeting will have an agenda item 'To receive written applications for the office of Town Councillor and to consider co-opting a candidate to fill the existing vacancy'.
- 3.4 If there is only one eligible applicant for a vacancy, the Council may resolve not to co-opt the eligible applicant but it must state the reason why it made this decision.
- 3.5 If there is more than one candidate for a vacancy the letters received are circulated to Councillors ahead of the meeting at which a Town Councillor is to be co-opted.
- 3.6 At Wilton Town Council meeting the candidates are invited to say something about themselves. Each candidate will be allocated a maximum of three minutes for this. Councillors will also have the opportunity to ask questions of the candidates.
- 3.7 If wished, the Council may exclude the public and press (including the applicants) to allow members to consider the candidates and, following a discussion, the public are invited back into the meeting **before** the voting takes place.
- 3.8 The Chairman will request the Councillors present to nominate any of the candidates. Candidates will require a proposer and seconder to progress to the voting stage. If there is only one vacancy to be filled, a Councillor may only nominate or second one candidate.
- 3.9 The Chairman places the names of those nominated into alphabetical order and proceeds to the vote. Councillors will have one vote per vacancy to be filled.
- 3.10 If Wilton Town Council has more than two applicants for one vacancy the successful applicant must receive an absolute majority of the votes. This means that the person elected must receive more votes than those for all the other candidates combined e.g. 4 people standing for one seat with 14 councillors voting:
Candidate A receives 5 votes

Candidate B receives 4 votes
Candidate C receives 2 votes
Candidate D receives 3 votes

There is no majority here because none of the candidates have more votes than all the other votes combined. In this situation Candidate C would be eliminated from the process and Wilton Town Council would vote again on Candidates A, B and D. It may mean that a similar process is repeated in second and subsequent rounds of voting.

- 3.11 Voting will be in accordance with Standing Orders by a show of hands and will continue until one candidate has received an absolute majority of those Councillors present. At this stage, the successful candidate will be declared co-opted and, after signing the Declaration of Acceptance of Office form, will be invited to join the meeting.
- 3.12 Within 28 days of being elected, the new councillor will also need to complete a Register of Interests form.
- 3.13 The person co-opted will be a Councillor in their own right. A co-opted councillor is no different to any other member as co-option is a legitimate form of election as part of the election process.

Full Name	
Home Address and Postcode	
Telephone Number	
Mobile Number	
Email Address	

It is a condition of being a Councillor on Wilton Town Council that your name and council email address (an official email address will be supplied) be made public on Town notice boards and website.

Legal Qualifications for being a Councillor²

(To qualify you must be able to answer 'Yes' to both questions below)

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
Are you 18 or over?	Yes/No

(To qualify you must be able to answer 'Yes' to at least one of the questions below)

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 nomination onwards.	Yes/No
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.	Yes/No
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.	Yes/No
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.	Yes/No

Disqualifications³

There are certain people who are disqualified from being elected to a town council. You cannot be a candidate if at the time of your nomination and on the day of co-option: (You must be able to answer No to all the questions below to be eligible to serve as a councillor)

You are employed by the parish council or hold a paid office under the parish council (including joint boards or committees).	Yes/No
You are the subject of a bankruptcy restrictions order or interim order.	Yes/No

² Changed April 2025 as per criteria set out by the Electoral Commission [Qualifications and disqualifications for standing for election | Electoral Commission](#)

³ Changed April 2025 as per criteria set out by the Electoral Commission [Qualifications and disqualifications for standing for election | Electoral Commission](#)

You have been sentenced to a term of imprisonment of three months or more (including a suspended sentence), without the option of a fine, during the five years before the day of co-option and the ordinary period allowed for making an appeal or applications in respect of the conviction has passed. A person who is in the process of making an appeal or application in relation to the conviction is not disqualified at any time before the end of the day on which the appeal or application is disposed of, abandoned or fails by reason of non-prosecution.	Yes/No
You have been disqualified under the Representation of the People Act 1983 (which covers corrupt or illegal electoral practices). The disqualification for an illegal practice begins from the date the person has been reported guilty by an election court or convicted and lasts for three years. The disqualification for a corrupt practice begins from the date a person has been reported guilty by an election court or convicted and lasts for five years.	Yes/No
You are subject to the notification requirement of or under Part 2 of the Sexual Offences Act 2003, and the ordinary period allowed for making an appeal or application in respect of the order or notification has passed.	Yes/No
You have been convicted of an intimidatory criminal offence motivated by hostility towards a candidate, future candidate or campaigner or holder of a relevant elective office. The effect of a disqualification order is that the person will be disqualified from standing for, being elected to, and holding any relevant elective office for five years.	Yes/No

Please briefly outline of why you are interested in being a councillor.

Please tell us something about the skills you feel you will bring to the council, for example, professional qualifications, financial or project management expertise.

Are there any questions you would like to ask the council?

Please note that most council meetings are held in the evening and, unfortunately, under present legislation Wilton Town Council is not permitted to contribute to the cost of councillors' childcare or care of their dependants.

Signed.....

Date: