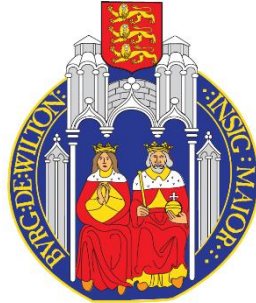


**WILTON TOWN COUNCIL**

***Ancient Capital of Wessex***



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# **WILTON TOWN COUNCIL**

## **Co-option Policy**

**Adopted on 5<sup>th</sup> July 2022**

**Minute reference 121/22**

**Review date July 2024**

## 1. Introduction

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

“Casual” vacancies<sup>1</sup> 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](mailto: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 the Town Council if a by-election has been called. If not, the Town Council will be entitled to fill the vacancy by co-option.

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<sup>1</sup> 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 the 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 the Town Council selects a new Councillor and it is done as an agenda item within a monthly Town Council meeting. The 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 The Town Council posts a notice on the 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, the 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 the 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 the 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 the 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 Councillor

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

Are you a British Citizen, a Commonwealth Citizen or a Citizen of a European Union country?	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)

Are you on the Electoral Register for the Town of Wilton?	Yes/No
Have you lived in the Town of Wilton for at least a year?	Yes/No
Have you been the owner or tenant of land in the Town of Wilton for at least a year?	Yes/No
Have you had your only or main place of work in the Town of Wilton for at least a year?	Yes/No

### Disqualifications

(You must be able to answer No to all the questions below to be eligible to serve as a councillor)

Are you the subject of a Bankruptcy Restrictions Order or Interim Order?	Yes/No
Have you, within the last five years, been convicted of an offence in the UK, the Channel Islands or the 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
Are you disqualified by order of a court from being a member of a local authority?	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: .....