



# Melksham Town Council

## Co-Option Policy

Date Adopted: 20<sup>th</sup> October 2025

Date Due For Review: October 2027



# Co-Option Policy

## INTRODUCTION

This policy outlines the procedure to ensure compliance with [Local Government Act 1972, s89](#) and continuity of procedures in the co-option of members of the Council. The co-option process is managed entirely by the Council, and this policy ensures a fair and equitable approach is maintained.

Once a Councillor vacancy has arisen the notice must be displayed as soon as practicable, but in consultation with [Wiltshire Council, Elections Team](#) to check the dates. However, if the vacancy has arisen due to a death, it is courteous that the notice is not displayed until after the funeral has taken place.

A copy of the vacancy notice must be sent to the [Returning Officer](#) at Wiltshire Council, so that the progress can be monitored.

The vacancy notice must be displayed on the Council Website and noticeboards for 14 working days (not counting Saturdays, Sundays, Christmas Eve, Christmas Day, Good Friday, bank holidays or national days of mourning). During this time 10 electors may request an election by writing to the Returning Officer.

After the 14 days, the Returning Officer will notify the [Clerk](#) in writing of the outcome. An election will only take place if 10 electors have requested it in writing.

If no election has been requested, then the Council must co-opt to fill the vacancy – unless it is within 6 months of the forthcoming Council ordinary elections. The next ordinary elections will be in May 2029.

If a vacancy occurs within 6 months of the Council's forthcoming ordinary elections, then the election will not be held, however, the vacancy may be filled by co-option if wished, but the Council is not obliged to.

## 1. CO-OPTION

The co-option of a councillor may occur in two situations:

- When an **ordinary vacancy** arises following the four-yearly local elections due to insufficient candidates standing for election.
- When a **casual vacancy** arises and no by-election is called.

### A. Ordinary Vacancy

An ordinary vacancy occurs when there are fewer valid nominations than seats available during the regular four-year election cycle. Any validly nominated candidates are elected unopposed, and the remaining vacancies (provided the Council is quorate) can be filled by co-option. If necessary, **Wiltshire Council** may step in to appoint or call an election.

### B. Casual Vacancy

A casual vacancy arises if:

- A councillor fails to sign their Declaration of Acceptance of Office.
- A councillor resigns.
- A councillor dies.
- A councillor becomes disqualified.
- A councillor fails to attend any Council or committee meetings, or other council-related meetings, for six consecutive months.

The Council must notify **Wiltshire Council**, advertise the vacancy, and allow electors **14 working days** to request an election (excluding weekends and bank holidays). If ten or more electors from the relevant ward (or the parish, if not warded) request an election, Wiltshire Council will arrange a poll, with the Parish Council bearing the cost.

If no election is requested, the Council is permitted to fill the vacancy by co-option. [Local Government Act 1972, s89.](#)

## **2. CONFIRMATION OF CO-OPTION**

Once the Electoral Services Office at Wiltshire Council confirms that no election has been requested, the vacancy may be filled by co-option.

Electoral Services  
Wiltshire Council  
County Hall  
Bythesea Road  
Trowbridge  
BA14 8JN

[elections@wiltshire.gov.uk](mailto:elections@wiltshire.gov.uk)

0300 456 0112

The Clerk will:

- Advertise the vacancy (on the Council website and noticeboards) for a period determined by the Council (usually four weeks);
- Notify Wiltshire Council that the co-option process is underway.

This also applies to ordinary vacancies where insufficient nominations were received, but the Council remains quorate.

## **3. ELIGIBILITY OF CANDIDATES**

To be eligible for co-option, a candidate must:

- Be at least 18 years old.

- Be a British citizen, a qualifying Commonwealth citizen, or a citizen of a member state of the EU.
- Meet at least one of the following criteria:
  - Be an elector of the parish.
  - Have lived in the parish or within three miles of it for the past 12 months.
  - Have worked in the parish during the past 12 months.
  - Have rented or owned land/property in the parish for the past 12 months.

**Disqualifications** include (but are not limited to):

- Holding a paid position under the Council.
- Being declared bankrupt.
- A criminal conviction resulting in a prison sentence of three months or more (whether suspended or not) within the past five years.
- Disqualification due to corrupt or illegal electoral practices.

[The Local Government \(Disqualification\) Act 2022](#)

#### **4. APPLICATIONS**

Applicants must:

- Submit a short covering letter.
- Confirm eligibility by completing the statutory eligibility.

Once applications are received:

- The next appropriate Full Council meeting will include an agenda item to consider the applications and proceed with co-option.
- Copies of eligible applications will be distributed to councillors at least three clear days prior to the meeting.
- All applications will be treated confidentially by the Clerk and councillors.

#### **5. AT THE CO-OPTION MEETING**

- Each candidate will be invited to speak for up to five minutes to introduce themselves and explain their interest in joining the Council.
- This will occur in the public session unless personal discussions require exclusion of the public and press in accordance with relevant legislation.
- The Chair should place the names of those properly nominated into alphabetical order and take a vote. Councillors only have one vote each.
- Voting will take place immediately after the candidate presentations. Each candidate must be proposed and seconded before voting.
- Voting is conducted by show of hands unless a recorded vote is requested in line with [Standing Orders](#).
- An absolute majority (more than 50% of votes cast) is required. If no candidate receives a majority in the first round, the candidate with the fewest votes will be eliminated and further rounds will follow until one candidate secures a majority of votes cast.
- Abstentions do not count as a vote cast.
- The Chair may use a casting vote if a deadlock remains after two rounds.

If co-opted, a successful candidate will:

- Sign a [Declaration of Acceptance of Office](#) at the meeting or before the next meeting.
- Complete and return a [Register of Disclosable Pecuniary and Other Interests](#) form to the Monitoring Officer at Wiltshire Council within 28 days.

If not enough candidates come forward to fill vacancies, or insufficient candidates are able to obtain an absolute majority to fill all vacancies, the co-option process will continue with re-advertisement.