

WELLINGTON TOWN COUNCIL COUNCILLOR CO-OPTION POLICY

1. Introduction

1.1 The normal process for filling a casual vacancy is election by the local electorate at a by-election. Co-option is the process by which the Town Council selects a new Councillor, rather than a by-election taking place.

1.2 There are two circumstances under which the Town Council may proceed to fill a casual vacancy by co-option:

- When a seat has been left vacant because no eligible candidate stood for election at the ordinary elections for a new council (currently every four years).
- When a seat falls vacant but the required 10 electors of the relevant ward have not called for a poll (by-election) within the legally specified time period following publication of the notice of vacancy

1.3 If the period of vacancy has six or more months to run until the next ordinary election, the Town Council must use the co-option process, as soon as practicably possible. If the next ordinary election is within six months, the Town Council may choose whether or not it wishes to co-opt.

1.4 The Town Council is not obliged to select anyone from the candidates who apply in the co-option process; if the process is unsuccessful (whether through lack of or no suitable candidates which achieve a majority vote) then the Town Council will rerun the co-option process, subject to the timescales at 1.3 above.

1.5 The Town Council will manage the process of co-option itself, with this policy outlining the procedure to be followed when co-option is considered in order to ensure a fair and transparent process is undertaken.

2. Timeline of a Casual Vacancy Occurring

2.1 Upon learning of a casual vacancy from a seat falling vacant (through the disqualification, resignation or death of a councillor, for example), the Town Clerk/Chief Executive will have notified Somerset Council of the vacancy arising as they are the local electoral authority that are legally responsible for delivering electoral services.

2.2 Somerset Council will advertise the vacancy and require the Town Council to make sure the notice of a casual vacancy is shared in conspicuous places. The Town Council meets this requirement by displaying the notice on its noticeboards, website, social media pages and by email to all councillors and staff.

2.3 A legal timeframe of 14 days is assigned, from the date of the notice, for 10 or more electors in the relevant town ward with the vacancy to contact Somerset Council requesting that a poll (by-election) be held. If this occurs, Somerset Council will issue a notice of poll and manage the by-election process accordingly. To encourage as many electors as possible to attend any vote, the Council shall ask that poll cards are issued with the cost being taken from the Elections reserve.

2.4 If the requirements at 2.3 are not met, Somerset Council will notify the Town Council that the casual vacancy may be filled by co-option.

2.5 As alluded to at 1.2 and 2.1, the other way in which a casual vacancy can occur (rather than by a seat falling vacant), is from the lack of eligible candidates at ordinary elections. In this case, Somerset Council would notify Wellington Town Council immediately after the results of the ordinary elections are known that co-option can take place.

2.6 As per 1.3 above, where there is six months or more until the next ordinary election, Wellington Town Council will follow the process set out within this policy document upon notification that co-option can take place.

2.7 If there is less than six months until the next ordinary election, a report will be presented to Full Council as soon as practicably possible to enable the Council to decide whether it wishes to co-opt to fill the vacancy.

2.8 If co-option is not used to fill a vacancy due to there being less than six months to the ordinary election, that seat will be filled as usual in the ordinary election process.

3. Advertisement Process

3.1 Local councils can only be as connected and helpful as the people elected to run them, so they require councillors capable, enthusiastic and engaged to reflect their communities. As such, making co-options is an opportunity for a local council to address shortfalls and imbalances in their membership.

3.2 Although seeking 'expressions of interest' is not a legal requirement, the National Association of Local Councils (NALC) recommends that councils always give public notice of vacancies because this makes the process of co-option open and transparent and should attract more potential candidates.

3.3 On receipt of written notice from Somerset Council (the local electoral authority) that a casual vacancy may be filled by means of co-option (see section 2 above):

- The Town Clerk/Deputy Town Clerk will publicise the vacancy. The co-option advertisement will include the closing date for requests for consideration (between 14 and 30 days after the date of the advertisement) and the number of vacancies, and will be shared as detailed in 2.2 above.

3.4 A co-option provides an opportunity for the Town Council to assess any skills gaps from within its members and advertise for applicants with the desirable skills to apply. Not holding the identified skills should not however be reason alone for not considering an applicant and the Town Council will need to be mindful of this throughout the process.

3.5 Councillors may point out the vacancies and the process to any qualifying candidate(s). Candidates found to be offering inducements of any kind will be excluded from the process.

4. Application Process

4.1 Wellington Town Council will make available on its website (or in hard copy to those that request it) information about the role of Town Councillor, an overview of the Town Council and other relevant guidance which will support potential candidates in deciding whether or not they may wish to apply.

4.2 Applicants for a vacancy will be asked to:

- Submit information about themselves by completing a Councillor Casual Vacancy and Eligibility Application Form (Appendix A), including a description of their interest in becoming a councillor and specifying any skills or qualifications which may benefit the Town Council.
- Confirm their eligibility for the position of Councillor within the statutory rules and that they are not disqualified from standing. A copy of the criteria is set out within the Councillor Casual Vacancy and Eligibility Application Form.

5. Decision-Making Process

5.1 Copies of all applications will be circulated to all Councillors by the Town Clerk/Deputy Town Clerk at least three clear working days prior to the Full Council meeting where the co-option will be considered. The applications will be treated as strictly confidential.

5.2 All eligible candidates will be invited to attend the Full Council meeting at which co-options will be considered. The co-option agenda item will be carried out by Full Council in public session.

- 5.3 If candidates are unable to attend this meeting, their application will still be considered in their absence (unless it is withdrawn).
- 5.4 No alternative date or time for a meeting will be arranged.
- 5.5 The co-option process will be determined in a public session of the Town Council and a specific agenda item will be set aside for applicants to make a brief, verbal presentation to the Town Council in support of their application. .
- 5.6 A maximum of three minutes will be allowed per candidate.
- 5.7 Councillors may ask questions of the candidates following their presentations.
- 5.8 Following the conclusion of all presentations, there will be no discussion of the presentations and Full Council will proceed to voting. Usually, the Council will make a resolution to vote by secret ballot in accordance with Standing Order 8a.
- 5.9 Unless a resolution is made to the contrary; the Co-Option vote will take place.
- 5.10 In the event of there being only one candidate, a vote must still be taken.
- 5.11 Councillors are still bound to declare a prejudicial or pecuniary interest if they or a member of their family or close associate, are related to or have a close relationship to an individual candidate. In accordance with Standing Order 13 the Councillor must request a dispensation in order to speak or vote.
- 5.12 A candidate can only be elected by co-option following a majority vote of Full Council. A majority vote is a majority of the total number of Councillors present at the meeting e.g. if there are 15 councillors voting, the majority will be 8 votes in favour.
- 5.13 If there are more than two candidates for one vacancy and not one of them at the first count receives a majority over the total votes given to the rest, the Chair will strike off the candidate with the least number of votes and the remainder must then be put to the vote again until an absolute majority is achieved.
- 5.14 In accordance with Standing Orders, the Chair may exercise their right to use a casting vote in the case of a tied vote.
- 5.15 If there is more than one vacancy and the number of candidates equals the number of vacancies, all the vacancies may be filled by a single composite resolution, but if the number of candidates exceeds the number

of vacancies each vacancy must be filled by a separate vote or series of votes.

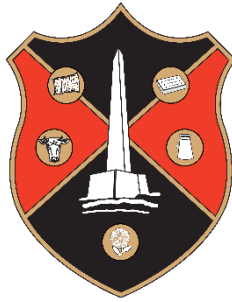
- 5.16 The Council is not obliged to fill all or any vacancies. If this is the case, steps will be taken to advertise for further co-options, subject to the timescales at 1.3 above.

6. Successfully Co-option – Next Steps

- 6.1 Successfully co-opted candidates become Councillors in their own right, with immediate effect (subject to the signing of the declaration of acceptance of office).
- 6.2 The co-opted members will be asked to sign a Declaration of Acceptance of Office before or at the first meeting of the Town Council after their election and to agree to be bound by the Town Council's adopted Code of Conduct. They may then take their seat at the Town Council and will have the ability to be appointed to committees and/or become a representative to local organisations.
- 6.3 The Register of Members Interests form must be completed within 28 days of election - the Town Clerk/Deputy Town Clerk will then forward a copy to Somerset Council.
- 6.4 Any newly co-opted members will be provided with a welcome pack and invited to attend an induction and training session with the Town Clerk and/or other officers. This should take place, where possible, before the next Full Council meeting.

Adopted by Wellington Town Council on Monday 6th October 2025.

Appendix A



WELLINGTON TOWN COUNCIL

CO-OPTION APPLICATION FORM [INSERT WARD]

Name	
Address	
Telephone	
e-mail	
Please detail any experience you have that may be relevant to the Town Council (if necessary, please continue on a separate sheet)	
Is there any other information you would like to disclose regarding your application? (if necessary, please continue on a separate sheet of paper)	

ELIGIBILITY

In order to be eligible for co-option as a Town Councillor you must on the 'relevant date' (i.e. the day on which you apply) be

- a British Citizen, or a citizen of the Commonwealth;
- aged 18 years of age or over;
- registered as a local government elector in the town

In addition you must meet one of the following criteria (please tick all that apply):

a) During the whole of the twelve months prior to the relevant date you must have resided in the town or within 3 miles (4.8km) of it;

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b) During the whole of the twelve months prior to the relevant date, occupied as owner or tenant, land or other premises in the town;

☐

c) Your principal or only place of work during the twelve months prior to the relevant date has been in the town.

☐

Please note that under Section 80 of the Local Government Act 1972, a person is disqualified from being elected as a local Councillor or being a member of a local council if he/she:

- a) holds any paid office or employment of the local council (other than the office of Chairman) or of a joint committee on which the council is represented; or
- b) is a person who has been adjudged bankrupt or has made a composition or arrangement with his/her creditors (but see below); or
- c) has within five years before the day of election, or since his/her election, been convicted in the UK, Channel Islands or Isle of Man of any offence and has been sentenced to imprisonment (whether suspended or not) for not less than three months without the option of a fine; or
- d) is other disqualified under Part III of the Representation of the People Act 1983 for corrupt or illegal practices.

The disqualification for bankruptcy ceases in the following circumstances:

- i) if the bankruptcy is annulled on the grounds that either the person ought not to have been adjudged bankrupt or that his/her debts have been fully discharged;
- ii) if the person is discharged with a certificate that the bankruptcy was caused by misfortune without misconduct on his/her part;

iii) if the person is discharged without such a certificate.

In (i) and (iii) above, the disqualification ceases on the date of the annulment and discharge respectively. In (iii), it ceases on the expiry of five years from the date of discharge.

By signing below, I hereby confirm that I am eligible to apply for the vacancy of Town Councillor on Wellington Town Council, and the information given on this form is a true and accurate record.	
Signed	
date	

Please return your form before [closing date] to the Town Clerk by post or hand to 28 Fore Street, Wellington, TA21 8AQ or by e-mail to info@wellingtontowncouncil.co.uk

Website: <https://www.wellingtontowncouncil.co.uk/>

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