Co-option – filling vacancies after an election

In an ordinary election, it is not uncommon for some councils to receive an insufficient number of candidates to fill its seats. Co-option provides a way for councils to fill their vacancies.

What is co-option?

Co-option is a process by which a vacant seat on a parish or town council is filled by appointment rather than an election. It is often necessary to ensure a council is fully constituted and able to carry out its duties.
Vacancies can arise for various reasons such as insufficient candidates at an election, resignations and disqualifications. Vacancies which occur due to a councillor's departure mid-term are called casual vacancies.

Co-option due to insufficient candidates at election

If following an election, the council has less members than seats available, but remains quorate*, co-options may be required to fill the vacant seats.

**A council's quorum is the minimum number of seats a council must have filled in order to carry out its business. This is three, or a third of the total number of seats, whichever is greater (the figure is rounded up where applicable).*

Is your council inquorate? If your council is inquorate then you cannot co-opt, and we would suggest you contact DALC for guidance.

What is the difference between a post-election vacancy and a casual vacancy?

	Post-election vacancy	**Casual vacancy**
What is it?	Vacancies immediately following an election due to an insufficient number of candidates nominated.	Vacancies following the departure of a councillor mid-term due to resignation or other reasons, as stated in the Local Government Act 1972 s87.
Do we need to post a notice of the vacancy?	No, the council does not need to post a notice of the	Councils must contact the district council in the event

	vacancy. However, we'd still recommend advertising to attract potential candidates (more below).	of a casual vacancy. The council must give notice of the vacancy, displayed in a prominent place in the parish for at least 14 days (excluding bank holidays etc), allowing electors to request a by-election*. If no by-election is requested, the district council will confirm the council may co-opt, at which point you may want to advertise for potential candidates. *by-elections will not be called when a vacancy occurs within six months of an ordinary election.
When do we need to fill the seats?	The council has 35 working days to co-opt from the date of the election. If they do not fill the vacancies within the timeframe, the district council may take action to fill the seats.	There is no statutory deadline, but councils are encouraged to fill its seats as soon as practically possible; the community deserves full representation
What process should we follow?	If you have an established co-option process, whether that's a written procedure or just precedent, we advise councils to follow a consistent process for both vacancy types.	
Who is eligible to stand?	Anyone wishing to join the council via co-option must be eligible under s.79 of the Local Government Act 1972 and not disqualified under s.80 of the Local Government Act 1972.	