

Broughton in Amounderness Parish Council

Councillor Vacancy Policy

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1. Introduction

This policy sets out the procedure for filling councillor vacancies on Broughton Parish Council, ensuring full compliance with relevant legislation and a commitment to fairness and transparency throughout the process.

In accordance with the **Local Elections (Parishes and Communities) (England and Wales) Rules 2006 (SI 2006/3305, Rule 8(3))** and **Schedule 12, Paragraph 3 of the Local Government Act 1972**, Broughton Parish Council must take steps to fill any vacancy as soon as is reasonably practicable following its occurrence.

The Council will also consider guidance from the **National Association of Local Councils (NALC)**, the **Society of Local Council Clerks (SLCC)**, and the **Lancashire Association of Local Councils (LALC)**, ensuring that all actions are consistent with current best practices and the requirements of the Equality Act 2010.

All vacancies will be publicly advertised, providing electors the opportunity to request an election. If no election is requested within the statutory 14-day period, the Council will proceed to fill the vacancy by co-option, inviting applications from interested and eligible individuals.

2. Legal Framework

This policy is governed by the following legislation:

- **Local Government Act 1972, Schedule 12 Paragraph 3**
- **GDPR 2018**
- **Representation of the People Act 1985 s.21(2)(a).**
- **Representation of the People Act 1983 s.36 and LGA 1972 s.89**
- **Local Government Act 1972, Section 89:**
Addresses the procedures for filling casual vacancies on parish councils.

- **Local Government Act 1972, Section 112(5):**

This provision allows a parish or community council to appoint one or more of its own councillors to serve as officers of the council (e.g. Chair, Vice-Chair, Clerk), but they must not be paid for holding such a position. In essence, councillors cannot be employed or receive payment for fulfilling an officer role within the council. This helps maintain a clear separation between elected members (volunteers) and employees (paid staff or contractors) to prevent conflicts of interest and maintain transparency.

3. How Does a Vacancy Occur

A vacancy may occur under the following circumstances:

- Insufficient candidates during an election year. These vacancies are filled in pursuance of the **Representation of the People Act 1985 s.21(2)(a)**.
- Casual vacancies arising from resignation, death, or disqualification of a councillor, which must be filled in accordance with the **Representation of the People Act 1983 s.36 and LGA 1972 s.89**.

4. Qualifying Criteria

Candidates must meet the eligibility requirements set out in LGA 1972, s.79:

- Be at least 18 years old.
- Be a British subject, or a citizen of the Commonwealth or the European Union.
- On the relevant date (nomination or election day), satisfy one of the following:
 - Be a registered local government elector for the area.

- Have occupied land/premises in the area as an owner or tenant for the preceding 12 months.
- Have had their principal or only place of work in the area for the previous 12 months.
- Have resided in or within 4.8km (3 miles) of the area for the previous 12 months.

Council will actively encourage eligible candidates to apply. See Appendix A for a councillor role description.

5. Disqualification Criteria

A person is disqualified if they:

- Are employed by the Parish Council or hold a paid office under it (see definition, point 6).
- Are subject to a bankruptcy restrictions order.
- Have been convicted of a criminal offence and sentenced (including suspended) to 3 months or more in the past 5 years.
- Have been found guilty of illegal/corrupt practices or have incurred unlawful expenditure leading to disqualification.

6. Definition of Paid Office

A paid office is defined as any role or position—whether formal or informal—for which a person receives financial payment from the Parish Council, either directly or indirectly. This includes but is not limited to:

- **Employees:** Individuals hired and paid regularly by the council (e.g. Clerk, Groundskeeper).

- **Contractors:** Individuals or businesses contracted to provide a specific service (e.g. landscaping, maintenance).
- **Sub-contractors:** Persons employed by a contractor to perform part of the work.
- **Consultants or Advisors:** Anyone providing expert services in exchange for payment.
- **Volunteers who receive honorariums or other payments:** Even if informal, if payment is made, this constitutes a paid office.

Note: This definition applies regardless of how the payment is described (e.g. fee, retainer, reimbursement above actual costs).

7. Advertising a Vacancy

Council will advertise a vacancy for a four-week period through:

- Parish noticeboards
- Council website
- Social media

The advertisement will include:

- How to apply
- Application deadline
- Contact details (e.g., Clerk)
- Where to obtain further information

A copy of the notice will be sent to the Returning Officer at Preston City Council. If ten electors request an election within 14 days, a by-election will be held. Otherwise, the vacancy will be filled by co-option.

8. Applying for the Vacancy

Applicants must:

- Complete a written application form (Appendix B).
- Sign a declaration confirming eligibility.

Applications may be submitted via alternative formats, in compliance with the Equality Act 2010, and will be handled under **GDPR 2018**.

Applications must be received at least 7 calendar days before the council meeting, by noon. Late submissions will not be considered.

Eligible candidates will be invited to attend the Full Council meeting at which their applications will be considered. Absentees will still be considered, but no alternate meeting will be scheduled.

Each councillor will receive confidential copies of applications.

9. Co-option Procedure

- Candidates can speak for up to **three** minutes.
- Councillors may ask questions.
- Candidates will be asked to leave the room to facilitate discussion between Councillors.
- Each councillor has one vote per vacancy by show of hands.

In the event of a tie, the Chair may use a casting vote.

If the number of candidates equals the number of vacancies, a single composite resolution may be passed. Otherwise, each vacancy is voted on individually.

The Council is not obligated to fill all vacancies and may readvertise.

10. Post - Appointment

Successful candidates:

- Must sign a Declaration of Acceptance of Office.
- Will be subject to the Council's Code of Conduct.
- May immediately assume their seat, join committees, and represent the Council externally.

Will be invited to attend LALC 'Whistlestop Tour for New Councillors and Clerks Training'.

If appointed in absentia, the Clerk will arrange for the declaration to be signed before or at the next meeting.

11. Conclusion

*This policy will be reviewed **every four years**, or sooner if legislation or procedures change.*

12. Appendix 1

Role: Parish Councillor

Responsible to: Broughton Parish Council (the Council) and its electors.

Responsible for: To foster the interests of their electors.

As an elected representative, a Parish Councillor plays a vital role in shaping the future of the local community. The main duties and responsibilities include:

1) Active Participation

Engage constructively in the work and decision-making of Broughton Parish Council to ensure good governance and effective local representation.

2) Policy and Budget Involvement

Contribute to the development, scrutiny, and implementation of the Council's policies, priorities, budgets, and service delivery.

3) Oversight and Accountability

Work alongside fellow councillors to ensure the Council is properly managed, accountable, and delivering value to the community.

4) Staying Informed

Keep up to date with local, regional, and national issues and developments that may impact the parish and its residents.

5) Community Wellbeing

Promote the economic, social, and environmental interests of Broughton, with consideration of impacts on neighbouring communities.

6) Electorate-wide Perspective

Listen to a wide range of community views and ensure decisions reflect the best interests of the parish as a whole, not just individual or group interests.

7) Community Engagement

Support initiatives that build community cohesion, strengthen local capacity, and enhance quality of life within Broughton.

8) Meeting Attendance

Attend full Council meetings and relevant committees or working groups, ensuring active and informed participation.

9) Preparation for Meetings

Read relevant papers in advance and be ready to contribute to informed discussion and decision-making.

10) Sound Judgement

Consider all matters on their merits, make decisions in the public interest, and support collective decisions once made.

11) External Representation

Represent the Council on outside bodies or at external meetings when appointed, and report back on key developments.

12) Standards and Conduct

Maintain high standards of conduct and behaviour, acting with integrity, professionalism, and respect at all times.

13) Compliance with Legal Duties

Abide by the Council's Code of Conduct and all relevant legal requirements, including confidentiality, use of resources, and declarations of interest.

14) Committee Involvement

Actively contribute to any committee or working party to which you are appointed.

15) Governance

Uphold the Council's Standing Orders, policies, and procedures.

13. Appendix 2

APPLICATION FORM FOR THE ROLE OF PARISH COUNCILLOR- BROUGHTON PARISH COUNCIL

Full name:	
Legal Name:	
Home address Inc. Postcode:	
Telephone number:	
Mobile number:	
Email:	

It is a condition of being a Parish Councillor that your name will be made public via notice boards and the parish council website. You may need to disclose your phone and email address to deal with parish council matters. Do you agree to this?

Yes / No

LEGAL QUALIFICATIONS FOR BEING A PARISH COUNCILLOR

QUALIFICATIONS

(To qualify you must be able to answer 'Yes' to both of the 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 registered on the electoral register for your Parish	Yes / No
Have you lived either in the parish of Broughton, or within three miles of its boundary, for at least a year?	Yes / No
Have you been the owner or tenant of land in the parish of Broughton for at least a year?	Yes / No

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Have you had your only or main place of work in the parish of Broughton for at least a year?	Yes / No
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DISQUALIFICATIONS

(You must be able to answer 'No' to all of 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
Are you employed by Broughton Parish Council, a joint committee or hold a paid office?	Yes / No
Are you subject to the notification requirements of the Sexual Offences Act 2003 or Sexual Risk Orders?	Yes / No

Please briefly outline of why you are interested in being a Parish Councillor

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Please tell us something about the life experience you will bring to the Council, for example, previous local government experience, work in the voluntary or charitable sector, business or trade union experience.

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

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If candidates have any queries relating to the vacancy, they are invited to submit their questions in writing to the clerk.

Signed.....

Date:.....