

REPORT OF HEAD OF LEGAL & GOVERNANCE

To: FULL COUNCIL

**Subject: INQUORATE PARISH COUNCILS AND TEMPORARY APPOINTMENT
TO PARISH COUNCIL**

Date: 31 OCTOBER 2022

PURPOSE OF REPORT:

To seek Full Council's approval to enable an Order for a temporary appointment to Alverdiscott & Huntshaw Parish Council in accordance with section 91(1) of the Local Government Act 1972.

1. INTRODUCTION

A Parish Council must be quorate to operate. Quorate is defined as being one third of its membership, but no less than three.

There are occasions where due to resignations or a lack of applications for vacancies at election a parish council is unable to operate due to being inquorate.

Section 91 of the Local Government Act 1972 (as amended) allows the Council to appoint a sufficient number of Parish Councillors on a temporary basis, to enable the work of the Parish Council to continue until it has co-opted or elected sufficient Councillors to be quorate.

There is one parish council who are at present is unable to function:

- Alverdiscott & Huntshaw Parish Council – need one temporary Councillor to fulfil their quorate of four Councillors.

2. REPORT

Torrige District Council has 64 parish councils, and these are elected on a four yearly basis.

During the four-year period between elections parish councillors may resign and vacancies are filled through either election or co-option in accordance with relevant electoral legislation.

Parish councils are not always able to fill vacancies as there are occasions when no one stands. While all councils could operate with one or two vacancies, if there are a number of vacancies, they risk becoming inquorate and therefore being unable to function.



Section 91 (1) of the Local Government Act 1972 provides that the principal authority, in this case Torridge District Council, can make an Order to appoint parish councillors until such time as vacancies have been filled by an election or co-option. Currently, Alverdiscott & Huntshaw Parish Council are inquorate, and the remaining Councillors are unable to make decisions and may not co-opt any councillors, even on a temporary basis.

3. IMPLICATIONS

Legal Implications

The making of an Order under Section 91(1) of the Local Government Act 1972 is consistent with the Council's obligations contained within the said Act.

Financial Implications

There are minimal costs involved in officer time in drawing up the necessary Orders. Any costs can be net from existing budgets.

Human Resources Implications

N/A

Sustainability/Biodiversity Implications

N/A

Equality/Diversity

N/A

Risk Management

The Council could choose not to appoint anyone to a Parish Council. However that Council would not be able to make any decisions due to being inquorate. Without Torridge District Council appointing to parish council, it would remain inquorate.

Compliance with Policies and Strategies

N/A

Data Protection (GDPR) Implications

N/A

Climate Change

N/A



Ward Member and Lead Member Views

“I am happy to be appointed as a temporary Parish Councillor to Alverdiscott & Huntshaw Parish Council to allow the council to become quorate and carry out co-options at the next Parish Council meeting. Over the past four years I have travelled many times to either Alverdiscott or Huntshaw - 30mims each way only to find they are inquorate. They have had many varied problems over the years and now with people expressing interests to join the council the co-option process must start as soon as possible to enable this deserving community the chance to move forward in the correct fashion.”

Councillor Rosemary Lock
Two Rivers & Three Moors Ward

4. CONCLUSIONS

This report seeks a recommendation to Council to approve a temporary appointment to Alverdiscott & Huntshaw Parish Council.

5. RECOMMENDATIONS

Members are recommended to:-

To approve the Order attached at Appendix A to appoint a temporary parish councillor for the Alverdiscott & Huntshaw parish council.

SUPPORTING INFORMATION

Consultations:

Officers consulted:

Tom Vanstone – Senior Electoral & Democratic Services Officer

Contact officer:

Tom Vanstone – Senior Electoral & Democratic Services Officer

Background papers: The Association of Electoral Administrators – A practical guide to parish matters (in England), paragraph 1.47.



