

TEMPORARY APPOINTMENT OF MEMBERS OF TOWN/PARISH COUNCILS

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1. Summary

- 1.1 A Town/Parish Council must be quorate in order to operate. A quorum is defined as being one third of the membership of the relevant Council subject to there being a minimum of three. There may be occasions when, due to resignations or lack of candidates for vacancies, at the whole Council elections or at a casual vacancy that a Town/Parish Council is not able to operate.
- 1.2 Section 91(1) of the Local Government Act 1972 provides that the Principal Authority, in this case Shropshire Council, can make an Order to make appointments to the Town/Parish Council until such time as the vacancies on the relevant Council have been filled by election or co-option.
- 1.3 This report seeks to suggest a mechanism for handling such circumstances so as to ensure that Town/Parish Councils can continue to operate until vacancies filled by way of the electoral process.
- 1.4 The procedure in the Appendix to this report is of a responsive nature and will be used only where the Town/Parish Council advises that it cannot continue its business until it is quorate.

2. Recommendations

- 2.1 That the Corporate Head of Legal and Democratic Services be authorised to make appointments to Town/Parish Councils in accordance with the procedure set out in the appendix to this report and to report any such appointments to the next available meeting of Council.

REPORT

3. Risk Assessment and Opportunities Appraisal

- 3.1 The Council has the power to assist a Town/Parish Council to carry out its functions effectively in the event that there are insufficient members of the relevant Council for that Council to operate.

- 3.2 It provides an opportunity to support the Town/Parish Council to carry on its lawful functions and to provide local residents with representation at a Parish level.

4. Financial Implications

- 4.1 There are minimal costs involved in officer time in drawing up the necessary Order and advising the Town/Parish Council through this period. Any costs can be met from the existing budgets. There is no opportunity to charge the Town/Parish Councils for staff time.

5. Background

- 5.1 Shropshire Council has 153 Town/Parish Councils (and thirteen Parish Meetings) in its area. Elections to Town/Parish Councils take place every four years alongside the elections to Shropshire Council. The next scheduled elections are due on 02 May 2013.
- 5.2 During the four year period between the main elections casual vacancies arise on a regular basis and are filled either by election or co-option in accordance with relevant electoral legislation.
- 5.3 Occasionally Town/Parish Councils have difficulty in filling the vacancies that arise and this can also happen at the main elections as well. While all Town/Councils can operate with one or two vacancies, if a number of vacancies arise at the same time there is a risk that the Town/Parish Council could become inquorate. Currently all Town/Parish Councils within Shropshire are able to function.
- 5.4 For Town/Parish Councils a quorum is one third of the total number of Councillors or three, whichever is the greater. The Council is unable to carry out its functions in the absence of a quorum.
- 5.5 Section 91(1) of the Local Government Act 1972 provides that the principal authority (in this case Shropshire Council) can make an Order to appoint to Town/Parish Councils until such time as vacancies have been filled by election.
- 5.6 Vacancies can arise at any time giving rise to an inquorate situation. This means that the Town/Parish Council cannot make decisions and therefore cannot operate. Given the frequency of full Council meetings which would agree to an Order being made to appoint temporary members to an inquorate Town/Parish Council it is proposed that a process could be put into place to enable such appointments to be made more quickly.
- 5.7 A suggested process is set out in the appendix to this report.
- 5.8 The process proposes that members are offered the temporary position of Town/Parish Councillor in the following order until sufficient members have agreed to accept the position to achieve a quorum:

- 5.8.1 Shropshire Councillor(s) for the division within which the Parish (or Parish ward) is located
- 5.8.2 Shropshire Councillors, for the divisions adjacent to the division in which the Parish (or Parish ward) is located
- 5.8.3 Others, which may include Town/Parish Councillors from adjacent Parishes
- 5.9 All temporary appointments should end either when permanent Town/Parish Councillors are appointed sufficient to make the Town/Parish Council at least quorate, or after six months beginning from the date on which the Order is signed, whichever is the earlier.
- 5.10 A report detailing the action taken would be presented to the next available meeting of Council. Should it not prove possible to appoint any temporary members a report would be submitted to Council for members to consider the way forward for the Parish.
- 5.11 There are likely to be negligible cost implications, being travel costs only, which are governed by the distance that the temporary members would have to travel from home and be only for the period of the temporary appointment. Additionally the need to use the procedure is extremely unlikely to arise on a frequent basis.
- 5.12 It is not expected that this procedure will be needed often. However given the situation in paragraph 5.3 above it is considered advisable to have a mechanism in place.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Local Government Act 1972

Cabinet Member (Portfolio Holder)

Keith Barrow

Local Member

All

Appendices

Appendix – setting out the process for making appointments.

APPENDIX

Process for making temporary appointments to Town/Parish Councils

This process enables Shropshire Council to make an Order to appoint persons to Town/Parish Councils in accordance with Section 91 of the Local Government Act 1972.

1. The Town/Parish Clerk advises Corporate Head of Legal and Democratic Services that the Council is unable to operate due to being inquorate.
2. Corporate Head of Legal and Democratic Services verifies the number of seats on the Town/Parish Council and that it is inquorate. The number of appointments required for it to become quorate is identified.
3. The temporary position of Town/Parish Councillor will be offered by the Corporate Head of Legal and Democratic Services in the following order until a quorum has been achieved:
 - 3.1 Shropshire Councillor(s) for the division in which the Parish (or Parish ward) is located;

For Parishes falling into more than one division, the Shropshire Councillor(s) for the divisions in which the Parish (or Parish ward) is located will be offered the temporary appointment of Town/Parish Councillor until such time as the vacancies are filled by election.
 - 3.2 Shropshire Councillors, for any division adjacent to the division in which the Parish (or Parish ward) is located,
 - 3.3 In consultation with the Leader, others will be considered and may include Town/Parish Councillors from adjacent Parishes.
4. All appointments must be made by Order under Section 91(1) of the Local Government Act 1972.
5. A report detailing the action taken will be submitted to the next available meeting of the Council.
6. In the event that appointments cannot be made a report will be submitted to Council.
7. In accordance with Section 91(3) of the Local Government Act 1972 the Corporate Head of Legal and Democratic Services will forward two copies of the Order to the Secretary of State. A copy for information will also be sent to the Clerk of the Town/Parish Council.
8. The Order is to stipulate the names of the appointed persons and the latest date their appointment will expire.