

Dear Councillor

COUNCIL - WEDNESDAY, 15 MAY 2013

I enclose for consideration at the above meeting a new urgent item which has been added to the agenda with the consent of the Chairman.

**Agenda Item
No.**

- 6. (a) TEMPORARY APPOINTMENT OF MEMBERS TO PARISH COUNCILS: SECTION 91, LOCAL GOVERNMENT ACT 1972 (Pages 1 - 2)**

To consider a report by the Head of Legal & Democratic Services.

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TEMPORARY APPOINTMENT OF MEMBERS TO PARISH COUNCILS

SECTION 91 LOCAL GOVERNMENT ACT 1972

(Report by Head of Legal & Democratic Services)

1. PURPOSE

- 1.1 To seek Members' approval to enable the temporary appointment of additional councillors where there are so many vacancies on a Parish Council that it is unable to act.

2. BACKGROUND

- 2.1 In order for a Parish Council to operate it must be quorate. There are rare occasions where due to resignations, or lack of candidates, Parish Councils become inquorate.
- 2.2 Section 91 of the Local Government Act 1972 provides that where there are so many vacancies on the Parish Council that it is unable to act, then the District Council may by order appoint persons to fill all or any of the vacancies until other councillors are elected and take up office.
- 2.3 Recently Hilton Parish Council has experienced a large number of resignations, that has left only 2 councillors still in office. As a consequence, it is inquorate and effectively is unable to act and carry out its legal responsibilities.

3. PROPOSAL

- 3.1 In view of their experience and local knowledge, Councillors Bates, Williams and Harlock have been asked if they would be willing to be appointed as parish councillors on an interim basis until the first meeting of Hilton Parish Council after the election provisionally proposed for 4 July, or until a sufficient number of elected parish councillors have taken up office, whichever is later. All three Members have indicated that they would be willing to assist.
- 3.2 As the District has a very large number of parish councils and this situation can arise at very short notice, it is also proposed that the Head of Legal and Democratic Services be given delegated authority, in the future, to make orders under Section 91 appointing sufficient parish councillors on an interim basis until elections are organised and a sufficient number of elected parish councillors have taken up office. In all cases it is suggested that the Ward Councillor(s) be offered the opportunity to be appointed in the first instance, but if they decline or additional numbers are required, that the Head of Legal and Democratic Services be given authority to nominate any other person, following consultation with the relevant Ward Member(s).

3.3 In addition, it is a requirement for the annual meeting of the parish council in non election years to be held in May. If this is not possible an Order may be made to vary this date. As it is not guaranteed that the annual meeting will be in the prescribed time, authority is sought to make the necessary Order if necessary.

4. RECOMMENDATION

4.1 The Head of Legal and Democratic Services be authorised to make an order under Section 91 of the Local Government Act 1972 and 39(4) of the Representation of the People Act 1883:-

(i) appointing Councillors Bates, Williams and Harlock to Hilton Parish Council on an interim basis until the first meeting of the Parish Council after the election, or until a sufficient number of elected parish councillors have taken up office, whichever is later; and

(ii) if necessary, directing that the annual meeting of Hilton Parish council be held on a specified date as soon as practicable after the end of May 2013.

4.2 The Head of Legal and Democratic Services be given delegated authority to make an order under Section 91 of the Local Government Act 1972 and 39(4) of the Representation of the People Act 1883 appointing additional persons as parish councillors in accordance with the procedure set out in paragraph 3.2 above and dealing with difficulties regarding the timetable for parish council elections and with the annual meeting date, in the event of a similar situation arising at another parish council in the future.

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