

North Yorkshire Council

Standards and Governance Committee

5 July 2023

Temporary Appointment to Hellifield Parish Council

Report of the Assistant Chief Executive Legal and Democratic Services

1.0 PURPOSE OF REPORT

- 1.1 To inform the Committee of the situation of Hellifield Parish Council and to seek approval to invoke the power to temporarily appoint a North Yorkshire Council division member to sit on the Parish Council.

2.0 BACKGROUND

- 2.1 In order for a town and parish council to operate, they need to be quorate. There are occasions where, due to resignations or a lack of nominations for vacancies at elections, a town or parish council is not able to operate for this reason.
- 2.2 Section 91 (1) of the Local Government Act 1972 provides that the principal authority (North Yorkshire Council) can make an order to appoint to a town or parish council until such time as the vacancies on the Parish Council have been filled by either election or co-option.

3.0 REQUIREMENT TO APPOINT A MEMBER TO HELLIFIELD PARISH COUNCIL

- 3.1 On 17 May 2023, Councillor Mary Kenning resigned from Hellifield Parish Council. Following her resignation, the casual vacancy procedures were followed and no request for an election was submitted to the Returning Officer by the specified deadline of midnight on the 15 June 2023.
- 3.2 As the Parish Council is now no longer quorate and no election was called, the council cannot meet or conduct any business, including the signing of the Parish accounts. The only option left is to invoke the power to make an appointment so that business can continue. Once appointed, the parish will be quorate and the vacant seats can be filled via co-option.
- 3.3 Once the vacant seats have been filled, any appointee can then resign from the Parish Council if they wish to do so.

4.0 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 To conduct a Community Governance Review and dissolve the Parish Council. This Council covers an electorate of 1170 and a large geographical area and a Community Governance Review can take up to 12 months to complete.

5.0 FINANCIAL IMPLICATIONS

- 5.1 There are no financial implications.

6.0 LEGAL IMPLICATIONS

6.1 This report has been prepared with the benefit of legal advice as to the process for appointing a temporary member to a parish council.

7.0 EQUALITIES IMPLICATIONS

7.1 There are none.

8.0 CLIMATE CHANGE IMPLICATIONS

8.1 There are none.

9.0 CONCLUSIONS

9.1 By invoking Section 91 of the Local Government Act 1972, Hellifield Parish Council can co-opt the vacant seats and the appointee can resign from the Parish once the other seats are filled if he wishes to do so.

10.0 REASONS FOR RECOMMENDATIONS

10.1 Hellifield Parish Council comprises of 7 seats and requires a minimum of 3 seats to be filled to be considered quorate. Following a recent resignation, there are only two parish councillors left. The Parish Council is now inquorate and as such cannot meet or conduct business. By placing a division member appointee on the Parish Council, it will be quorate and can co-opt the vacant seats and business can continue.

10.2 Whilst legislation does not specify who may be appointed as temporary parish councillors, it is common practice for the elected member of the relevant division of the principal council to fulfil this role.

11.0 RECOMMENDATIONS

i) That the Council appoints the division member for Mid Craven, Councillor Simon Myers, under Section 91 (1) of the Local Government Act 1972 to Hellifield Parish Council in order to make it quorate, unless or until either sufficient vacancies on Hellifield Parish Council have been filled by way of co-option or election so that the Parish Council is able to act lawfully, or the Order made under Section 91 (1) is revoked.

ii) That the Assistant Chief Executive Legal and Democratic Services be authorised to make the required order as attached at Appendix A.

APPENDICES:

Appendix A – Order

Barry Khan
Assistant Chief Executive Legal and Democratic Services
County Hall
Northallerton

27 June 2023

Report Author – Jennifer Norton, Assistant Director Legal

Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.