

North Yorkshire Council

Standards and Governance Committee

13 December 2023

Temporary Appointments to Aldbrough St. John 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 Aldbrough St. John Parish Council and to seek approval to invoke the power to temporarily appoint named persons 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 PERSONS TO ALDBROUGH ST. JOHN PARISH COUNCIL

- 3.1 Aldbrough St. John Parish Council comprises of 5 seats and requires a minimum of 3 seats to be filled to be considered quorate. Following resignations of the 3 remaining councillors, the casual vacancy procedures were followed, and following expiration of the notices, the Council was notified that the Parish Council was inquorate.
- 3.2 As the Parish Council is now no longer quorate, it cannot meet or conduct any business. The only option left is to invoke the power to make appointments so that business can continue. Once appointed, the parish will be quorate and the vacant seats can be filled via co-option. A number of parishioners have expressed an interest in being co-opted to the Council and have also agreed to be appointed on a temporary basis.
- 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 None.

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 temporary members 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, Aldbrough St John Parish Council can co-opt to the vacant seats and the appointees can resign from the Parish once the other seats are filled.

10.0 REASONS FOR RECOMMENDATIONS

10.1 Aldbrough St John Parish Council comprises of 5 seats and requires a minimum of 3 seats to be filled to be considered quorate. Following recent resignations there are no Councillors currently leaving the Parish Council inquorate and unable to meet or conduct business. By placing a division member appointee and four parishioners on the Parish Council, it will be quorate and can co-opt to the vacant seats allowing business to 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 be approached in the first instance to fulfil this role and seeking other appointees as required.

11.0 RECOMMENDATIONS

i) That the Council appoints the following under Section 91 (1) of the Local Government Act 1972 to Aldbrough St John (Richmondshire) Parish Council in order to make it quorate, unless or until either sufficient vacancies on Aldbrough St John 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.

- Division member for North Richmondshire – Angus Thompson
- Mr Mike Banks
- Mr Stephen Baddon
- Mr Stuart Reed
- Ms Kirstie Thornton

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
5 December 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.