

# North Yorkshire Council

## Special Meeting

### Standards and Governance Committee

Minutes of the meeting held on 17th January 2024 commencing at 3.00 pm.

Councillors Clive Pearson (Chair), Melanie Davis, David Ireton, George Jabbour (as substitute for Nigel Knapton), Heather Phillips, Monika Slater, and Peter Wilkinson; together with Roy Martin (Independent Persons for Standards).

Attending remotely – Councillors Sam Cross and Andy Solloway.

Officers present: Steve Loach (Democratic Services) and Jennifer Norton, (Assistant Director Legal and Democratic Services).

Apologies: Councillors Nick Brown and Nigel Knapton; together with Hilary Gilbertson; Louise Holroyd; James (Jamie) Nelson and Richinda Taylor (Independent Persons for Standards)

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**Copies of all documents considered are in the Minute Book**

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#### **37. Temporary Appointment to Welburn Parish Council**

Considered –

The report of the Assistant Chief Executive (Legal and Democratic Services) informing the Committee of the situation of Welburn Parish Council and seeking approval to invoke the power to temporarily appoint named persons to sit on the Parish Council.

Welburn Parish Council comprises of 6 seats and requires a minimum of 3 seats to be filled to be considered quorate. Following a resignation in March 2023, the appropriate casual vacancy procedures were followed. As a result no request for an election was made within the required timeframe. In November 2023 there was a further resignation, and again the casual vacancy procedure was followed with no call for an election was received. A further 2 resignations in November and December resulted with the same position. The Parish Council could proceed to fill the vacant seats via co-option but as there it is not quorate and therefore cannot make the decision to co-opt.

As the Parish Council is now no longer quorate, the council cannot meet or conduct any business. 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.

Whilst legislation does not specify who may be appointed as temporary parish councillors, it was common practice for the elected member of the relevant division of the principal council to fulfil this role. In relation to this it would be Councillor Caroline

Goodrick who would be appointed, together with local resident Andrea Lumb, as two appointments were required to achieve a quorum.

Once the vacant seats had been filled, any appointee can then resign from the Parish Council if they wish to do so.

The following issues were raised in relation to the report:-

- The Division Councillor, Caroline Goodrick had raised concerns with a Member of this Committee regarding her appointment to the Parish Council, particularly in respect of her role on the local Planning Committee and how this could be compromised by her considering the applications at a Parish Council meeting. In response it was emphasised that this was a temporary appointment and as soon as sufficient members had been appointed to undertake a quorate meeting, she could step down. In terms of the Parish Council's consideration of Planning applications, it was stated that not all would be submitted to the Planning Committee for determination, and provided that Councillor Goodrick did not openly give her support or rejection of an application, she would be free to take part in the eventual determination.
- Noting the number of resignations and the lack of call for elections to fill the vacancies, a Member asked whether consideration was ever given to closing down a Parish Council due to lack of interest in the local community. She also asked how North Yorkshire Council liaised with Parish Councils to determine whether they required assistance with any matters and suggested that a report be brought to a subsequent meeting of the Committee on how and when this was taking place. In response it was stated that a Parish Council could be closed down, or merged with another Parish Council should there be a request for a Community Governance Review in that area. In terms of liaison, the Assistant Chief Executive, Rachel Joyce, oversaw the Parish Charter which provided details of how the Parishes interacted with North Yorkshire Council. Liaison was also provided through Legal and Democratic Services who assisted Parish Councils with assistance and advice where this was required and it was expected that this would be strengthened, going forward.
- A Member suggested that the electorate should be listened to in terms of Parish Councils, with many people fairly apathetic to their existence, and he suggested that amalgamation to create larger local Parish Councils which covered a number of local communities would assist in making them more sustainable.
- A Member stated that he understood the value of Parish Councils but emphasised the need for two way communication between them and the local Divisional Councillors to ensure that the needs of local communities were being met. He considered that there was a need to promote the importance of local elected representatives and to take action to change the current negative public attitude towards elected representatives. Members considered it important that Parish Councils were given appropriate support and were provided with positive leadership.

#### **Resolved –**

- (i) That the Council appoints the division member for Sheriff Hutton and Derwent, Councillor Goodrick, and local representative, Andrea Lumb, under Section 91 (1) of the Local Government Act 1972, to Welburn Parish Council

in order to make it quorate, unless or until either sufficient vacancies on Welburn 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 to the report.

This was approved unanimously

The meeting concluded at 3.20pm