

North Yorkshire Council

Standards and Governance Committee

15 March 2024

Temporary Appointment to Barton le Willows 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 Barton le Willows Parish Council and to seek approval to invoke the power to temporarily appoint a named person 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 BARTON LE WILLOWS PARISH COUNCIL

- 3.1 Barton le Willows Parish Council comprises of 5 seats and requires a minimum of 3 seats to be filled to be considered quorate. Following Councillor Mirfit's resignation on 24 January 2024, the casual vacancy procedures were followed which recognise that when a casual vacancy occurs at a parish council, a request for an election must be made within 14 working days of the publication of a notice of vacancy by 10 electors from within the parish area. No request for an election was made by 10 electors within the required timeframe. The Parish Council can proceed to fill the vacant seats via co-option but as there are only 2 remaining councillors the Parish Council is not quorate and therefore cannot make the decision to co-opt.
- 3.2 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.
- 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 168 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, Barton le Willows Parish Council can co-opt the vacant seats and the appointee can resign from the Parish Council once the other seats are filled if they wish to do so.

10.0 REASONS FOR RECOMMENDATIONS

10.1 Barton le Willows Parish Council comprises of 5 seats and requires a minimum of 3 seats to be filled to be considered quorate. Following the 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 the division member 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 Sheriff Hutton and Derwent, Councillor Goodrick under Section 91 (1) of the Local Government Act 1972 to Barton le Willows Parish Council in order to make it quorate, unless or until either sufficient vacancies on Barton le Willows 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 – draft Order

BARRY KHAN

Assistant Chief Executive Legal and Democratic Services and Monitoring Officer

County Hall

Northallerton

6 February 2024

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.