

North Yorkshire Council

Standards and Governance Committee

26 June 2024

Temporary Appointments Process

Report of the Assistant Chief Executive, Legal and Democratic Services

1.0 PURPOSE OF REPORT

- 1.1 To provide Members with the detail of the temporary appointment process for Parish and Town Councils.

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 MAKE A TEMPORARY APPOINTMENT

- 3.1 When a Parish Councillor resigns, the casual vacancy procedures are 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.
- 3.2 If no request for an election is made by 10 electors within the required timeframe the Parish Council can proceed to fill the vacant seats via co-option, however if the Parish Council is not quorate it cannot make the decision to co-opt.
- 3.3 If a Parish Council is 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.
- 3.4 Temporary appointments made to Parish Councils since 1 April 2023

Date	Parish Council	Appointed	Reason
05.07.23	Hellifield	Cllr Simon Myers	Resignation
13.12.23	Aldbrough St John	Cllr Angus Thompson +4	Resignation of 3 Cllrs
13.12.23	Irton	Cllr Heather Phillips	Resignation of 2 Cllrs
13.12.23	Welburn	Cllr Caroline Goodrick	Resignation of 4 Cllrs
15.03.24	Kirby Grindalythe	Cllr Nigel Knapton Cllr Janet Sanderson + 1	Non-attendance of 3 Cllrs
09.04.24	Barton le Willows	Cllr Caroline Goodrick	Resignation

26.06.24	Hellifield	Cllr Simon Myers	Resignation
26.06.24	Irton	Cllr David Jeffels	Resignation

3.5 Once the vacant seats have been filled, any appointee can then resign from the Parish Council if they wish to do so. Whilst the length of time the temporary appointments are in place is not recorded for the above, it is envisaged that the temporary appointee will resign at the earliest opportunity.

3.6 Resignations are sent to Elections who then issue the Notice of Vacancy. Further details of the reasons for resignation are not recorded.

4.0 ALTERNATIVE OPTIONS CONSIDERED

4.1 There is the facility to conduct a Community Governance Review and dissolve the Parish Council. A Community Governance Review can take up to 12 months to complete. The Standards and Governance Committee adopted a protocol setting out how the Council will respond to requests for Community Governance Reviews in September 2023.

4.2 The Local Government Boundary Commission for England (LGBCE) has indicated that a review of divisions will commence in 2024. It is anticipated that this review will finish in 2025, for implementation at the next NYC elections in 2027. We will therefore only consider urgent requests within this period. Following the conclusion of the review, expected in 2025, a whole area CGR will be undertaken.

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 CONCLUSION

9.1 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.

10.0 RECOMMENDATIONS

That the Committee notes the Temporary Appointments Process.

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