

NORTH YORKSHIRE COUNCIL
STANDARDS AND GOVERNANCE COMMITTEE

6 September 2024

Temporary Appointments to Town or Parish Councils

Report of the Assistant Chief Executive, Legal and Democratic Services

1.0 PURPOSE OF REPORT

- 1.1 To seek Members views on the alternate options available to make temporary appointments to Town or Parish Councils in the North Yorkshire area.

2.0 BACKGROUND

- 2.1 The Standards and Governance Committee has delegated power to make temporary appointments to parish and town councils under Section 91 of the Local Government Act 1972.
- 2.2 At its meeting on 26 June 2024, the Committee requested that a report be brought to the Committee regarding options for the making of such temporary appointments in the future.

3.0 TEMPORARY APPOINTMENTS TO TOWN OR PARISH COUNCILS

- 3.1 In order for a Town or 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.
- 3.2 If a Town or 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.
- 3.3 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 Town or Parish Council have been filled by either election or co-option.

4.0 RECENT APPOINTMENTS

- 4.1 The following table provides details of the temporary appointments made to Town or Parish Councils since 1 April 2023.

Date	Town or 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
26.06.24	Welburn	Cllr Caroline Goodrick	Re - appointment

4.2 At present the power to make temporary appointments lies with the Standards and Governance Committee. This means the ability to make these appointments requires waiting until the next scheduled meeting, of which there are two per annum, or calling a special meeting in order to make such appointments.

4.3 At the last Standards and Governance Committee meeting on 26 June 2024 the Committee requested that a report be brought to the next ordinary meeting of the Committee setting out the alternative options available in order to consider speeding up this process.

5.0 ALTERNATIVE OPTIONS TO CONSIDER

5.1 That the power to make temporary appointments to Parish and Town Councils be permanently delegated to the Monitoring Officer. This would allow the appointments to be determined and communicated much quicker, allowing the Town or Parish Council to become quorate and therefore co-opt members without a lengthy delay. The Monitoring Officer could choose not to exercise his delegation in any particular case and refer the matter to the Committee for decision.

5.1.1 A report be produced at each ordinary meeting of the Standards and Governance Committee on the number of temporary appointments made, and to which Parish/Town councils, in order that the Committee is aware of the current situation.

5.1.2 Should Members be minded to follow this option, a change would be required to the Constitution to amend the Officers' Delegation Scheme. The Assistant Chief Executive Legal and Democratic Services would be able to make this amendment under his delegated powers in Article 15 (c) (iii) of the Constitution to amend the Constitution to reflect changes to arrangements for the distribution of responsibilities and the delegation of powers in accordance with decisions taken by the person(s) or body with authority to take such action.

5.2 Do nothing. This would not expedite the temporary appointment of Councillors to specific Town or Parish Councils and would further delay the process of the Council becoming quorate. Additional meetings may be required which are not conducive to reducing Member workload and convening a meeting for a single item agenda is not a practical or productive use of Member time.

6.0 FINANCIAL IMPLICATIONS

6.1 There are no significant financial implications arising from this report.

7.0 LEGAL IMPLICATIONS

7.1 The legal implications are set out in the body of this report.

8.0 ENVIRONMENTAL/CLIMATE CHANGE IMPLICATIONS

8.1 There are no significant environmental implications arising from this report.

9.0 EQUALITIES IMPLICATIONS

9.1 There are no significant equalities implications arising from this report.

10.0 RECOMMENDATIONS

10.1 That, subject to any comments Members may have, the Committee delegates the power to make temporary appointments to Parish and Town Councils to the Monitoring Officer and that the Assistant Chief Executive Legal and Democratic Services be requested to make consequential amendments to the Constitution under his delegated powers in Article 15 (c) (iii) of the Constitution.

BARRY KHAN

Assistant Chief Executive Legal and Democratic Services and Monitoring Officer

County Hall
NORTHALLERTON

29 August 2024