

ITEM 17 Appointment of Temporary Members to Abbots Ann Parish Council

Report of the Corporate Portfolio Holder

Recommended:

- 1. That Borough Councillors Maureen Flood and Graham Stallard be appointed to Abbots Ann Parish Council to fill vacancies upon the Parish Council and that they shall remain appointed until such time as other Parish Councillors are co-opted or elected and have taken up office.**
- 2. That the Head of Legal and Democratic Services, in consultation with the Corporate Portfolio Holder, be given delegated authority to appoint individuals to parish and community councils should circumstances mean that they are no longer quorate in the future.**

SUMMARY

- The Council has received notification that, due to the recent resignation of five Parish Councillors, Abbots Ann Parish Council is no longer quorate and therefore unable to act.
- The Borough Council has discretionary powers to appoint individuals to a parish or community council where there are too many vacancies for the parish council to operate (section 91 of the Local Government Act 1972 (Temporary Appointment of Members of Parish and Community Councils)).

1 Introduction

- 1.1 The Council has received notification from the Clerk of Abbots Ann Parish Council that due to the resignation of five of its seven councillors the Parish Council is no longer quorate.
- 1.2 As the Parish Council is no longer able to fulfil its functions it falls to the Borough Council to exercise its statutory powers to appoint individuals to the Parish Council until such time as other Parish Councillors are co-opted or elected and have taken up office.

2 Background

- 2.1 On 26 May 2016 the Council received notification from the Clerk of Abbots Ann Parish Council that they had received three resignation letters from their Parish Councillors taking immediate effect. This follows two resignations received earlier in May 2016.

- 2.2 The result of these resignations means that there are only two councillors remaining on Abbots Ann Parish Council and therefore, the Council is not quorate and is unable to act. The quorum for parish or community councils being three or one-third of the total membership, whichever is the greater.
- 2.3 The Electoral Services Team have issued notices to advertise the vacant positions.
- 2.4 The Borough Council has discretionary powers to appoint individuals to a parish council where there are too many vacancies for the parish council to operate (section 91 of the Local Government Act 1972 (Temporary Appointment of Members of Parish and Community Councils)).
- 2.5 The Council's Constitution currently sets out that Council approval is required for appointments to outside bodies as part of the responsibility for local choice functions. There is at present no delegated function to officers which might allow for a more immediate response to such difficult circumstances.

3 Options

- 3.1 That the Ward Members for Anna Ward, be appointed to fill vacancies upon the Parish Council and that they shall remain so appointed until either sufficient vacancies in the office of parish councillor have been filled so as to enable the Parish Council to act or the order issued by the Borough Council is revoked. A copy of the draft order can be seen in the Annex to this report.
- 3.2 To not appoint individuals to Abbots Ann Parish Council.
- 3.3 It is recommended that the first option is agreed as failure of the Borough Council to appoint to the Parish Council will mean that Abbots Ann Parish Council will not be able to fulfil its functions.
- 3.4 It is proposed that in order to prevent delays in the appointment process, should this situation occur again in the future, that the responsibility to appoint individuals to parish or community councils in the event that they are no longer quorate be delegated to the Head of Legal and Democratic Services in consultation with the Corporate Portfolio Holder.

4 Resource Implications

- 4.1 Minimal resource required by officers to prepare and issue the Order of Appointment.
- 4.2 The appointment will place additional requirements on the two Ward Councillors who will need to act as Members of the Parish Council until the vacancies are filled.

5 Legal Implications

- 5.1 The Head of Legal and Democratic Services will issue the draft Order at Annex 1 and file the same with the Secretary of State.

6 Equality Issues

6.1 None

7 Other Issues

7.1 Community Safety - none

7.2 Environmental Health Issues - none

7.3 Sustainability and Addressing a Changing Climate - none

7.4 Property Issues - none

7.5 Wards/Communities Affected – Anna Ward, Abbots Ann Parish.

8 Conclusion

8.1 It is recommended that Councillors Maureen Flood and Graham Stallard be appointed to Abbots Ann Parish Council to fill vacancies upon the Parish Council and shall remain appointed until other Parish Councillors are elected and have taken up office.

8.2 The appointment of Borough Councillors to act as Parish Councillors will mean that Abbots Ann Parish Council is quorate and able to make decisions.

<u>Background Papers (Local Government Act 1972 Section 100D)</u>			
None			
<u>Confidentiality</u>			
It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.ca			
No of Annexes:	1		
Author:	Bill Lynds	Ext:	8401
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