



Council

Thursday, 5 December 2019

Temporary Co-Option to Parish Councils

Report of the Monitoring Officer

**Cabinet Portfolio Holder for Strategic and Borough Wide Leadership
Councillor S Robinson**

1. Purpose of report

- 1.1. This report summarises and recommends the procedure to be adopted where a Parish Council is unable to function due insufficient occupation of seats to facilitate quorate meetings.
- 1.2. This report also details action taken by the Monitoring Officer, and agreed by the Chief Executive, to support Widmerpool Parish Council which was unable to function due to it having insufficient members to hold quorate meetings.

2. Recommendation

It is RECOMMENDED that Council:

- a) Notes the action taken by the Monitoring Officer in respect of Widmerpool Parish Council;
- b) Considers and approves the process set out in paragraph 3.5 to be adopted for temporary co-option to Parish Councils in similar circumstances.

3. Reasons for Recommendation

- 3.1. Widmerpool Parish Council contacted Rushcliffe Borough Council as Principal Authority requesting advice regarding the temporary appointment of a member to the Parish Council. Widmerpool Parish Council comprises of a maximum of seven members. Three of the seven member seats were occupied ensuring quorate meetings. However, one member has been unable to attend meetings due to health reasons and whilst that member is away the Parish Council is unable to function as without the member meetings are not quorate.
- 3.2. Section 91 of the Local Government Act 1972 provides as follows:

(1) Where there are so many vacancies in the office of parish or community councillor that the parish or community council are unable to act, the Borough council [or Welsh principal council] may by order appoint persons to fill all or any of the vacancies until other councillors are elected and take up office.

(2) In the case of a common parish council under which are grouped, by virtue of [section 11\(5\)](#) above, parishes situated in different Boroughs, the reference in subsection (1) above to the Borough council shall be construed as a reference to the council of the Borough in which there is the greater number of local government electors for the parishes in the group.

(3) Two copies of every order made under this section shall be sent to the Secretary of State.

- 3.3. The Council's constitution contains a provision for the Monitoring Officer to make any determination, serve any notice or make an order under statutory provisions.
- 3.4. In accordance with the aforementioned statutory provisions the Monitoring Officer sought support from Borough Councillors to temporarily fill one of the vacant seats in accordance with Section 91 of the Local Government Act 1972. Councillor A Edyvean has offered to act as a temporary appointment to support the filling of one of the vacant seats pending permanent co-option. Councillor Edyvean's appointment has been confirmed by notice served on the Secretary of State. The appointment is temporary and shall lapse on the 30 November 2019 following the Parish Meeting in November 2019 wherein it is proposed that Members shall be co-opted to the vacant seats.
- 3.5. It is recommended that the procedure adopted in respect of Widmerpool Parish Council be adopted as the approach to be taken where temporary co-option is required to support the operation of Parish Councils. In the first instance the Monitoring Officer shall approach the Ward Councillor(s) to act as temporary co-optee. Where a Ward Councillor is unable to so act, the Monitoring Officer shall invite all Borough Councillors to indicate a willingness to act. A Councillor from the closest neighbouring ward who is not also a Parish Councillor shall then be appointed as temporary co-optee. The Monitoring Officer will thereafter file the appropriate notice in accordance with the Local Government Act 1972.

4. Supporting Information

- 4.1 The difficulties encountered by the Parish required the Borough Council to act in accordance with the provisions of the Local Government Act 1972. In doing so the Borough Council has been able to support the Parish to continue in its operation and support the local community.

5. Alternative options considered and reasons for rejection

- 5.1 No alternative options have been considered as the provision confirming the process is set out within the Local Government Act 1972.

6. Risks and uncertainties

- 6.1 Should the Council choose not to act in accordance with the Local Government Act 1972 and adopt the recommendation, Parish Councils finding themselves in a similar position to Widmerpool Parish shall be frustrated from operating therefore negatively impacting on the local community.

7. Implications

7.1 Financial implications

- 7.1.1 There are no financial implications to adopting the procedure set out in the report.

7.2 Legal implications

- 7.2.1 There are no legal implications to adopting the procedure set out herein. The procedure supports and complies with the requirements of the Local Government Act 1972.

7.3 Equalities implications

- 7.3.1 There are no equalities implications.

7.4 Section 17 of the Crime and Disorder Act 1998 implications

- 7.4.1 There are no Section 17 implications to adopting the procedure set out herein.

8. Link to Corporate Priorities

Quality of Life	Formalising this procedure will ensure Parish Councils with fewer than the necessary number of Councillors at any given time can continue to operate to benefit their local communities.
Efficient Services	No links
Sustainable Growth	No links
The Environment	No links

9. Recommendations

It is RECOMMENDED that Council:

- a) Notes the action taken by the Monitoring Officer in respect of Widmerpool Parish Council;
- b) Considers and approves the process set out in paragraph 3.5 to be adopted for temporary co-option to Parish Councils in similar circumstances.

For more information contact:	Sanjit Sull Monitoring Officer 0115 9148215 ssull@rushcliffe.gov.uk
Background papers available for Inspection:	None.
List of appendices:	None.