

Meeting Date: 14 September 2021
Portfolio: Finance, Governance and Resources
Key Decision: Not applicable.
Policy and Budget Framework: No
Public / Private: Public

Title: Temporary Appointment of Members to Farlam Parish Council
Report of: Corporate Director of Governance and Regulatory Services
Report Number: GD.57/21

Purpose / Summary:

Farlam Parish Council currently has insufficient Members to be quorate. This Report seeks authority to make an Order under s.91 of the Local Government Act 1972 to appoint Cllrs Meller, Mitchelson and Tinnion to Farlam Parish Council in order that a quorate meeting of the said Parish may take place and co-opt new Members.

Recommendations:

That Council :

1. By order made pursuant to s91 of the Local Government Act 1972 appoint Councillors Meller, Mitchelson and Tinnion as temporary members of Farlam Parish Council;
2. Stipulate that such appointments cease at the conclusion of the Farlam Parish Council Meeting at which sufficient persons are appointed by co-option such that the said Parish Council is thereafter able to hold quorate meetings.
3. Authorise the Corporate Director of Governance and Regulatory Services to draft and complete the Order and serve it as appropriate.

Tracking

Executive:	
Scrutiny:	
Council:	14 September 2021

1. BACKGROUND

- 1.1** Farlam Parish Council has eleven seats but, due to resignations, currently only has three Members which is, according to their standing orders, an insufficient number to hold a quorate meeting. This means that it is unable to hold meetings and take decisions and is thus ineffective as a body of local government.

2. PROPOSALS

- 2.1** Section 91(1) of the Local Government Act 1972 provides that where there are so many vacancies in the office of parish councillor that the parish council are unable to act, the [city] council may by order appoint persons to fill all or any of the vacancies until other councillors are elected and take up office.
- 2.2** The City Councillors for the Farlam Parish Council area are Councillors Meller, Mitchelson and Tinnion and it is proposed that they each be appointed to Farlam Parish Council as described so that it will be able to hold a proper Meeting which will be able to appoint new Parish Council Members. Once the Parish Council has co-opted new Members, the City Councillors will cease to be Members of the Parish Council.
- 2.3** Once an Order pursuant to s91 is made, two copies must be sent to the Secretary of State.
- 2.3** If persons do not come forward to be co-opted then the Returning Officer has the power (s39 of the Representation of the People Act 1983) to order an election to be held. This would cost the Parish Council a significant amount of their resources and is hoped to be avoided.

3. RISKS

- 3.1** The risk would be that the Parish Council remains inquorate and unable to act.

4. CONSULTATION

- 4.1** The City Councillors referred to in the Report have been consulted and are agreeable to the proposal.

5. CONCLUSION AND REASONS FOR RECOMMENDATIONS

- 5.1** That the Council, pursuant to s91 of the Local Government Act 1972, appoint the named Councillors as temporary members of Farlam Parish Council in order that it may meet to conduct its business.

6. CONTRIBUTION TO THE CARLISLE PLAN PRIORITIES

- 6.1** The proposal contributes to the delivery of local democracy.

Contact Officer: Mark Lambert

Ext: 7019

Appendices attached to report: None.

Note: in compliance with section 100d of the Local Government Act 1972 the report has been prepared in part from the following papers:

- None

CORPORATE IMPLICATIONS:

LEGAL – Contained within the body of the Report.

PROPERTY SERVICES – None.

FINANCE – The costs of drafting the Order and the ongoing advice to Farlam Parish can be met from within existing Council resources.

EQUALITY – Any person is entitled to be co-opted or elected in accordance with electoral law.

INFORMATION GOVERNANCE – None.