

Extraordinary Meeting of the Council

4 February 2021

Report of the Director of Corporate and Customer Services

## **Delegation of Authority – Temporary Appointments to Winster Parish Council**

### **PURPOSE OF REPORT**

To delegate authority to the Director of Corporate and Customer Services to make temporary appointments to Winster Parish Council, which is current inquorate and unable to act.

### **RECOMMENDATION**

1. That authority be delegated to the Director of Corporate and Customer Services to make the necessary order to appoint temporary parish councillors to Winster Parish Council until such time as an election or co-option can be held and those elected or co-opted have taken up office;

### **WARDS AFFECTED**

Winster and South Darley

### **STRATEGIC LINK**

Not applicable

## **1 REASON FOR URGENCY**

- 1.1 This matter is urgent on the basis that Winster Parish Council is presently unable to act and has business that it is required to transact before elections can be held to fill vacancies on the council.

## **2 BACKGROUND**

- 2.1 In order for a Town and Parish Council to operate they have to be quorate. There are occasions where due to resignations or a lack of applications for vacancies at election, 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, in this case the District Council, can make an order to appoint to the town or parish council until such time as the vacancies on the council have been filled by election.

## **3 REPORT**

- 3.1 There is currently one Council who has indicated that they are unable to operate - Winster Parish Council. The situation at Winster Parish Council has arisen from a number of resignations which has made the Council inquorate. Whilst one vacancy can be filled through co-option, the Council is presently inquorate and cannot make a decision to co-opt. A request has received from ten electors in the parish for the remaining vacancies to be filled by-election. This by-election cannot take place until 6 May 2021 at the earliest.
- 3.2 The quorum for any meeting of Winster Parish Council is three. Whilst two parish councillors remain, at least two parish councillors need to be appointed to provide sufficient resilience until an election can take place.
- 3.3 Given that the Parish Council has a number of bills which need to be paid and needs to set the precept for the parish, it is necessary for the District Council to consider delegating authority to the Director of Corporate and Customer Services to make temporary appointments to the parish until the vacancies can be filled under the power it has under Section 91 of the Local Government Act 1972. The use of this power is a function reserved to Council, which has not been delegated to an officer. The decision to delegate authority must therefore be made by the Council. The alternative scenario would be to call an Extraordinary Meeting of the Council to determine this matter in the next week.
- 3.4 Consultation has taken place with the relevant Ward Member and political group leaders in the preparation of this report. All are supportive of the recommendation to delegate authority in this instance to enable temporary appointments to be made in a timely manner.

## **4 RISK ASSESSMENT**

Legal

- 4.1 Section 91(1) of the Local Government Act 1972 provides that the principal authority, in this case Derbyshire Dales District Council, can make an order to appoint to town or parish councils until such time as vacancies have been filled by election. The Council could choose not to appoint anyone to Winster Parish Council. However the Parish Council would not be unable to make any decisions due to being inquorate. Without

the District Council appointing to the Parish Council, it would remain inquorate until the by-election can be held.

Financial

4.2 There are no financial risks associated with the proposal.

## **5 OTHER CONSIDERATIONS**

5.1 In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

## **6 CONTACT INFORMATION**

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