



Council name	COTSWOLD DISTRICT COUNCIL
Name and date of Committee	COUNCIL – 31 JULY 2024
Subject	APPOINTMENT OF TEMPORARY TOWN OR PARISH COUNCIL MEMBERS
Wards affected	The Rissingtons
Accountable member	Councillor Joe Harris, Leader of the Council Email: Joe.Harris@Cotswold.gov.uk
Accountable officer	Angela Claridge, Director of Governance and Development Email: Democratic@Cotswold.gov.uk
Report author	Ana Prelici, Governance Officer Email: Democratic@Cotswold.gov.uk
Summary/Purpose	To agree the appointment of a temporary member of Upper Rissington Parish Council, enabling the Parish Council to become quorate and to update the appointment arrangements, allowing delegation of this function to the Director of Governance and Development (Monitoring Officer).
Annexes	Annex A – Draft Procedure for Appointments to Town or Parish Councils
Recommendation(s)	That Full Council resolves to: <ol style="list-style-type: none">1. Agree to make an order under Section 91 of the Local Government Act 1972 ('the Act') appointing Councillor Andrew Maclean as a temporary member of Upper Rissington Parish Council enabling Upper Rissington Parish Council to become quorate;2. Note that the appointment shall be effective until Upper Rissington Parish Council is quorate (i.e. it has four members of the Council in place, excepting the temporary appointee);3. Approve the draft procedure at Annex A, delegating authority to the Monitoring Officer to make orders and make temporary appointments to Town/Parish Councils as required, under the powers in Section 91 of the Act.



COTSWOLD
DISTRICT COUNCIL

Corporate priorities	<ul style="list-style-type: none">• Delivering Good Services• Supporting Communities
Key Decision	NO
Exempt	NO
Consultees/ Consultation	Upper Rissington Parish Council Councillor Andrew Maclean, Ward Member for The Rissingtons Chief Executive Democratic Services Business Manager



I. EXECUTIVE SUMMARY AND MAIN POINTS

- I.1** A Parish Council must be quorate in order to operate and make decisions. The statutorily prescribed quorum for a Parish Council is one third of its membership, subject to a minimum of three.
 - I.2** Section 91 of the Local Government Act 1972 ('the Act') gives the Council the power to make an Order appointing temporary members to a Parish Council, where that Council cannot function because of the number of vacancies. This power is one which cannot, under the applicable Regulations, be taken by the Executive, and is only exercisable by Council.
 - I.3** Following resignations, Upper Rissington Parish Council which sits within the Rissingtons Ward is no longer quorate, having three parish councillors for its eleven seats which is below the quorum of four. The Parish Council is therefore unable to act. The Act states that this Council 'may by Order appoint persons to fill all or any of the vacancies until other Councillorstake up office'. Therefore, Cotswold District Council can appoint one councillor to enable Upper Rissington Parish Council to be quorate.
 - I.4** It is considered that it would be appropriate for the member of this Council who represents the Rissingtons Ward, Councillor Andrew Maclean, to be appointed to the temporary position. Should Councillor Maclean be unable or not willing to take on the role, the approval of the third recommendation set out below in paragraph I.5 would enable the Monitoring Officer to make an alternative appointment. The appointment would cease to have effect as soon as the Parish Council is otherwise quorate.
- 1.1.** On 5 July 2021, the Cabinet approved a procedure for appointing temporary members to town and parish councils, which enabled the Council to adapt to situations where town or parish councils become inquorate promptly. In undertaking reviews of its standards arrangements and related matters, it was highlighted by the Council's Legal team that under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, the power to make such appointments, and the delegation thereof lies with the Council as opposed to Cabinet.
 - 1.2.** Council is therefore recommended to approve the updated procedure, delegating authority to the Monitoring Officer 'To make orders and make temporary appointments to parish councils as required under the powers in Section 91 of the Local Government Act 1972'. This is requested for reasons of expediency, and therefore delegated authority to ensure that town/parish councils remain inquorate for as short a period as possible, and that the convention shall be to appoint the District Councillor/s whose ward incorporates the inquorate town/parish council.



2. ALTERNATIVE OPTIONS

- 2.1 Council is not obligated to make a temporary appointment, however if it does not do so, Upper Rissington Parish Council may not be able to function until after its next scheduled elections in May 2025.
- 2.2 Council could choose to not approve the updated arrangements, but doing so, and particularly omitting the delegation to the Monitoring Officer, would mean that Full Council would need to approve appointments going forward. This could delay Town and Parish Councils from becoming quorate, and could risk them being unable to function (e.g. where they are unable to make payments).

3. FINANCIAL IMPLICATIONS

- 3.1 There are no financial implications arising directly from this report.

4. LEGAL IMPLICATIONS

- 4.1 The report provides a summarised version of the statutory power contained in the Local Government Act 1972.

5. RISK ASSESSMENT

- 5.1 By not appointing a temporary member, Upper Rissington Parish Council may not be able to function until after its next scheduled elections.

6. EQUALITIES IMPACT

- 6.1 There are no equalities impacts.

7. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS

- 7.1 There are no climate and ecological emergency implications arising directly from this report.

8. BACKGROUND PAPERS

- 8.1 None.

(END)