

REPORT TO FULL COUNCIL – 26TH FEBRUARY 2020

Temporary appointments to be made to Witton & Ridlington Parish Council

Summary:-

This report recommends that temporary appointments are made by the District Council to Witton and Ridlington Parish Council to ensure that the Parish Council is able to lawfully function until such time as the requisite number of vacancies are filled.

1. Background

- 1.1 Ordinary elections to Town and Parish Councils within the North Norfolk District take place every four years at the same time as elections to the District Council.
- 1.2 A Town or Parish Council needs to be quorate in order to discharge any business at a meeting. A quorum is defined in legislation as being one third of the total number of members of the relevant Town/Parish Council, subject to a minimum of three Councillors.
- 1.3 In the lead up to the 2nd May 2019 Parish Elections five valid nominations were received for Witton and Ridlington Parish Council; however at the Annual Parish Meeting held a couple of weeks after the May local elections something was said at the meeting which led to none of the validly nominated persons signing their Acceptance of Office documents and as such no places on the Parish Council were filled. The incident at the Annual Parish Meeting also resulted in the Parish Clerk resigning from their position.
- 1.4 Two further attempts to fill the vacancies on Witton and Ridlington Parish Council have been made by the Elections Team, with Notices of Election being published on 13th June 2019 and also on 7th November 2019. However, neither of these processes resulted in any valid nominations to serve as a councillor on the Parish Council being received by the Returning Officer.
- 1.5 Documents relating to Parish Council matters have now been successfully recovered from the former Clerk by the Deputy Monitoring Officer and these are being stored securely by the District Council until such a time as a new Parish Council is formed and a new Parish Clerk appointed.
- 1.6 There are a total of seven seats on Witton and Ridlington Parish Council so the Council needs a minimum of three councillors to be quorate and transact any business.
- 1.7 Under Section 91 of the Local Government Act 1972 in situations where Town or Parish Councils do not have the required number of councillors to be quorate and conduct the business of the Parish Council, the District Council can make an order to appoint persons to serve on the Parish Council until such time as vacancies on the Council are filled by election or co-option).
- 1.8 A new Parish Clerk will also need to be appointed to support the Parish Council and an approach has been made to the Norfolk Association of Local Councils about how they

might be able to assist the District Council in filling this role on an interim and long-term basis.

2. Legal Implications

- 2.1 Paragraph 12 of Schedule 12, Part ii of the Local Government Act 1972 provides that no business shall be transacted at a meeting of a parish council unless at least one-third of the whole number of members of the council are present at the meeting; but notwithstanding anything in that paragraph, in no case shall the quorum be less than three.
- 2.2 The number of parish Councillors for a parish council shall not be less than 5 (s16 Local Government Act 1972). The number of Parish Councillors able to serve on Witton and Ridlington Parish Council is seven.
- 2.3 Section 91(1) of the Local Government Act 1972 provides that the principal authority, in this case North Norfolk District Council, may make an order to appoint persons to fill all or any vacancies on a town or parish council until such time as other councillors are elected and take up office.
- 2.4 Two copies of any order made under section 91(1) shall be sent to the Secretary of State.
- 2.5 In the event that Witton & Ridlington Parish Council are unable to fill the required number of vacancies through co-option, section 39(4) of the Representation of the People Act 1983 enables the District Council to make any appointment or do anything which appears to them necessary or expedient for the proper holding of such an election or meeting and properly constituting the council. This includes the power to direct the holding of an election or meeting and fix the date for it.

3. Proposed appointment and process

- 3.1 In order that Witton and Ridlington Parish Council is able to function in the short to medium term ie at least the next six months; it is proposed that the District Council makes appointments to the Parish Council through roles being taken up by the local district and county councillors.
- 3.2 This would see Cllr. Clive Stockton, District Councillor for the Bacton Ward and Cllr. Eric Seward, County Councillor for the North Walsham East Division plus one other District Councillor be nominated to form the Parish Council and conduct the Parish Council's business until such time as sufficient local persons are elected or co-opted to the Parish Council.

4. Financial and Value for Money Considerations

- 4.1 The costs associated with the proposals set out in this report are considered to be negligible.

5. Risk Assessment

- 5.1 The District Council could choose not to make any appointments to Witton and Ridlington Parish Council. However, without the District Council making temporary

appointments the Parish Council would not be able to sit or take decisions in the interests of the local community until the next regular elections in 2023.

- 5.2 As there are significant current developments which directly impact upon the local community in Witton and Ridlington, not least the proposals by offshore wind developer Vattenfall to construct cable corridors through the parish in connection with the Norfolk Vanguard and Norfolk Boreas offshore wind schemes which are currently going through the National Strategic Infrastructure Project Development Consent Order process which require local involvement and governance, the District Council believes that it is in the interests of the local community that the Parish Council is formed with immediate effect through nomination of other locally elected members.

6. Equality Impact Assessment

- 6.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act.

7. Policy Considerations

- 7.1 The North Norfolk District Council Corporate Plan 2019 – 2023 places importance on strong community engagement and the proposal for the District Council to support effective community representation and governance for the local community in Witton and Ridlington through nominating representatives to serve on the Witton and Ridlington Parish Council supports this aim.

8. Recommendations:-

- 8.1 That Full Council:-

- i) Proposes that District Councillor Clive Stockton (local ward member) and County Councillor Eric Seward (local county councillor) plus one other district councillor be appointed to serve as temporary members of Witton & Ridlington Parish Council until such a time that an election or co-option can be held and those elected or co-opted have taken up office.
- ii) That the Norfolk Association of Local Councils be contacted and asked to provide advice and interim clerking support to the Parish Council pending recruitment of a permanent Clerk.
- iii) The Monitoring Officer be authorised to make the necessary order to give effect to the temporary appointments.

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