

## REPORT TO FULL COUNCIL – 24<sup>TH</sup> FEBRUARY 2021

### Temporary appointments to be made to Briningham Parish Council

#### Summary:-

**This report recommends that a temporary appointment is to be made by the District Council to Briningham 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 On December 24<sup>th</sup>, a request to hold an election to fill one vacancy was received by the Electoral Services team. This request is valid and the election will be held on 6<sup>th</sup> May, with the other scheduled elections. On 18<sup>th</sup> January, Electoral Services was made aware of two further resignations, leaving only the Chair and one other councillor to run parish business. On the 19<sup>th</sup> January, two more resignations were received from the Chair and remaining parish councillor, leaving no councillors. We have had another valid request to run an election to cover the 4 vacancies received on the 18<sup>th</sup> and 19<sup>th</sup> January.
- 1.4 In addition, the clerk had already sent in her resignation and in January, Kerry Harris accepted the position as the new clerk.
- 1.5 There are a total of five seats on Briningham Parish Council, the Council needs a minimum of three councillors to be quorate and transact any business.
- 1.6 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).

#### Legal Implications

- 1.7 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.

- 1.8 The number of parish Councillors for a parish council shall not be less than five (s16 Local Government Act 1972. The number of Parish Councillors able to serve on Briningham Parish Council is five.
- 1.9 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.
- 1.10 Two copies of any order made under section 91(1) shall be sent to the Secretary of State.
- 1.11 In the event that Briningham 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.

## **2. Proposed appointment and process**

- 2.1 In order that Briningham Parish Council is able to function in the short to medium term i.e at least the next six months; it is proposed that the District Council makes an appointment to the Parish Council through the role being taken up by the local district and county councillors.
- 2.2 This would see Cllr. Andrew Brown, District Councillor for the Stody Ward, 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.

## **3. Financial and Value for Money Considerations**

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

## **4. Risk Assessment**

- 4.1 The District Council could choose not to make any appointments to Briningham 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 election in May.

## **5. Equality Impact Assessment**

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

## **6. Policy Considerations**

- 6.1 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 Briningham through nominating representatives to serve on the Briningham Parish Council supports this aim.

## **7. Recommendations:-**

### 7.1 That Full Council:-

- i) Proposes that District Councillor Andrew Brown (Stody local ward member) and County Councillor Steffan Aquarone (Melton Constable Division) and one other district councillor, be appointed to serve as temporary members of Briningham Parish Council until 6 May 2021, when an election (unless uncontested) will be held.
- ii) The Monitoring Officer be authorised to make the necessary order to give effect to the temporary appointments.

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