



WEST OXFORDSHIRE
DISTRICT COUNCIL

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Name and Date of Committee	ANNUAL COUNCIL – 22 MAY 2024
Subject	APPOINTMENT OF A TEMPORARY PARISH COUNCILLOR TO FULBROOK PARISH COUNCIL
Wards Affected	Burford
Accountable Member	Councillor Andy Graham – Leader of the Council. Email: andy.graham@westoxon.gov.uk
Accountable Officer	Andrea McCaskie – Director of Governance. Email: andrea.mccaskie@westoxon.gov.uk
Report Author	Max Thompson – Senior Democratic Services Manager. Email: max.thompson@westoxon.gov.uk
Purpose	To agree the appointment of a temporary member of Fulbrook Parish Council, enabling the Parish Council to become quorate.
Annexes	Nil.
Recommendations	That 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 Hugo Ashton as a temporary member of Fulbrook Parish Council, enabling the Parish Council to become quorate;2. Note that the appointment shall be effective until Fulbrook Parish Council is quorate (i.e. it has three members of the Council in place, excepting the temporary appointee);3. Delegate authority to the Director of Governance to make orders and make temporary appointments to Town/Parish Councils as required, under the powers in Section 91 of the Act.
Corporate Priorities	<ul style="list-style-type: none">• Putting Residents First• Working Together for West Oxfordshire
Key Decision	NO
Exempt	NO
Consultees/ Consultation	Fulbrook Parish Council

1. EXECUTIVE SUMMARY AND MAIN POINTS

- 1.1** 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.
- 1.2** 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.
- 1.3** Following resignations, Fulbrook Parish Council, which sits within the Burford Ward, is no longer quorate, having two parish councillors for the 5 positions and 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, West Oxfordshire District Council may appoint up to three temporary members. It is suggested however that making one appointment would be appropriate as Fulbrook Parish Council has a number of individuals interested in becoming parish councillors, which can occur via co-option once the Parish Council is quorate.
- 1.4** It is considered that it would be appropriate for the member of this Council who represents the Burford Ward, Councillor Hugo Ashton, to be appointed to the temporary position. Should Councillor Ashton be unable or not willing to take on the role, the approval of the third recommendation set out below in paragraph 1.5 would enable the Director of Governance to make an alternative appointment. The appointment would cease to have effect as soon as the parish council is otherwise quorate.
- 1.5** Council is also recommended to delegate authority to the Director of Governance (DoG) 'To make orders and make temporary appointments to parish councils as required under the powers in Section 91(1) of the Local Government Act 1972'. This is requested for reasons of expediency, and therefore delegated authority to the DoG will 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** The Council is not obligated to make temporary appointments, however if it does not do so, Fulbrook Parish Council may not be able to function until after its next scheduled elections in May 2026.

3. FINANCIAL IMPLICATIONS

- 3.1** There are no financial implications associated with this report.

4. LEGAL IMPLICATIONS

- 4.1** The report takes account of the statutory power contained in the Local Government Act 1972.

5. RISK ASSESSMENT

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

6. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS

- 6.1** There are no climate or ecological implications associated with this report.

7. BACKGROUND PAPERS

Nil.

(END)