



WEST OXFORDSHIRE
DISTRICT COUNCIL

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Name and date of Committee	Council – Wednesday 28 July 2021
Report Number	Agenda Item No. 11
Subject	Appointment of Temporary Parish Councillors
Wards affected	All
Accountable member	Councillor Michele Mead, Leader of the Council Email: michele.mead@westoxon.gov.uk
Accountable officer	Keith Butler, Monitoring Officer Tel: 01993 861521 Email: keith.butler@westoxon.gov.uk
Summary/Purpose	To approve the appointment of temporary members of Bladon Parish Council and consider the future arrangements for temporary appointments to parish councils in the District.
Annexes	None
Recommendations	<p>(a) That approval is given for the making of an Order under section 91 of the Local Government Act 1972 appointing District Councillors Julian Cooper and Elizabeth Poskitt as temporary members of the Bladon Parish Council;</p> <p>(b) That the appointments shall be effective until the Bladon Parish Council is quorate (i.e. it has three members of the Council in place, excepting the temporary appointees);</p> <p>(c) That, in the event of either of the temporary appointees specified above subsequently being unable or not willing to fulfil the role of temporary parish councillor, the Monitoring Officer shall be authorised to appoint such other person(s) as deemed appropriate; and</p> <p>(d) That, should any other Parish Council in the District require the District Council to appoint one or more temporary councillors in order for it to be able to function, the Monitoring Officer shall be authorised to make such appointments if they need to be made more promptly than the date of the next meeting of either the Audit and General Purposes Committee or the Council.</p>
Corporate priorities	N/A
Key Decision	N/A
Exempt	No

Consultees/ Consultation	None
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I. BACKGROUND

- 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 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 exercisable by the Audit and General Purposes Committee or by Council. The schedule of meetings is such that this report is being brought to Council rather than awaiting the next meeting of the committee.

2. MAIN POINTS

- 2.1. Bladon Parish Council has a membership of six, meaning that its quorum is three. Currently, there are four vacancies on the council. Where a “casual vacancy” occurs on a parish council, other than in the six months prior to the end of the term of office, that council has to give notice of the vacancy, and there is then a period of 14 working days within which any ten electors for the parish may request that an election is held. If an election is not triggered, the parish council is obligated to fill the vacancy by co-option “*as soon as is practicable*”. For the first of the vacancies which occurred, the period for an election request has passed, but the parish council will not be able to approve a co-option until someone puts himself or herself forward for the role, and the council is quorate.
- 2.2. For the remaining three vacancies, the period to request an election has not yet expired and it remains to be seen whether any or all of the vacancies will be filled by election rather than co-option. The latest date for an election to fill any of those vacancies will be 30 September 2021.
- 2.3. The legislation states that, in these circumstances, this council “*may by Order appoint persons to fill all or any of the vacancies until other councillors take up office*”. Therefore, this council may appoint up to four temporary members. It is suggested, however, that making two appointments would be appropriate, as that would ensure that even if one of the four councillors who would then be in place was unable to attend a meeting, there would still be a quorum.
- 2.4. The legislation is silent on the question of whether any appointees have to be qualified (and not disqualified) to be a member of the parish council concerned. It is my view that the absence of a provision enabling someone who is not qualified to fill a temporary appointment means that they should be so qualified. This means that the appointee(s) must be a British, Irish, commonwealth or EU citizen aged 18 or over and (i) a registered elector for the parish; or (ii) have occupied land in the parish for twelve months, as owner or tenant; or (iii) have their principal or only place of work in the parish; or (iv) have lived in the parish or within three miles of the parish for twelve months. In addition, none of the disqualifications from being a councillor may be applicable to the person(s).
- 2.5. It is considered that it would be appropriate for the two members of this Council who represent the Woodstock and Bladon Ward (Councillors Julian Cooper and Elizabeth Poskitt) to be appointed to the temporary positions. Should either or both be unable or not willing to take on the role, the approval of recommendation (c)

above would enable the Monitoring Officer to make alternative appointments. The appointments would cease to have effect as soon as the parish council is otherwise quorate. It is anticipated that the Parish Council will meet during August, and will be able at that meeting to co-opt one councillor, meaning that it will be quorate, and that the temporary appointments proposed in this report will cease at that time.

2.6. The final recommendation, at (d) above, is self-explanatory, although the Council could if it wished choose fully to delegate the function.

2.7. Once an Order making the appointments has been made, two copies will be sent to the Secretary of State, as required by the statute.

3. FINANCIAL IMPLICAITONS

3.1. This report has no financial implications, apart from the use of some staff time.

4. LEGAL IMPLICATIONS

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

5. ALTERNATIVES/OPTIONS

5.1. The Council is not obligated to make temporary appointments but, if it does not do so, the Bladon Parish Council may not be able to function until after its next scheduled elections, in May 2022.

5.2. The Council is free to appoint persons other than those recommended, subject to the appointees being qualified for, and not disqualified from, being a member of Bladon Parish Council.

6. BACKGROUND PAPERS

6.1. None