

COUNCIL  
18 MARCH 2021

Report of the Director of Corporate and Customer Services

## **DELEGATION OF AUTHORITY – TEMPORARY APPOINTMENTS TO PARISH COUNCILS**

### **PURPOSE OF REPORT**

To delegate authority to the Director of Corporate and Customer Services to make temporary appointments to Birchover and Mappleton parish councils, which are currently inquorate and unable to act.

### **RECOMMENDATION**

That authority be delegated to the Director of Corporate and Customer Services to make the necessary order to appoint temporary parish councillors to serve on Birchover Parish Council and Mappleton Parish Council that are inquorate and unable to act until such time as an election or co-option can be held and those elected or co-opted have taken up office;

### **WARDS AFFECTED**

Dovedale and Parwich  
Stanton

### **STRATEGIC LINK**

Not applicable

## **1 BACKGROUND**

- 1.1 In order for a Town and Parish Council to operate they have to be quorate. There are occasions where due to resignations or a lack of applications for vacancies at election, a town or parish council is not able to operate for this reason.
- 1.2 Section 91(1) of the Local Government Act 1972 provides that the principal authority, in this case the District Council, can make an order to appoint to the town or parish council until such time as the vacancies on the council have been filled by election.

## **2 REPORT**

- 2.1 There are currently two Councils that have indicated that they are unable to operate – Birchover Parish Council and Mappleton Parish Council. The situation at Birchover Parish Council has arisen from all councillors failing to attend a meeting during a six month period, which is a requirement under Section 85 of the Local Government Act 1972. Mappleton Parish Council has become inquorate following a resignation. As both Councils are presently inquorate and cannot make a decision to co-opt, a request has been made to the District Council to make temporary appointments until vacancies can

be filled. By-elections for these vacancies cannot take place until 6 May 2021 at the earliest.

- 2.2 The quorum for any meeting of either Birchover or Mappleton Parish Council is three. Birchover Parish Council therefore requires three temporary councillors to be appointed, whereas Mappleton Parish Council is in need of one temporary councillor to become quorate again.
- 2.3 Given that the Birchover Parish Council has not yet signed off its Statement of Accounts for the previous financial year, there is a risk of a Public Interest Report being published if the Parish Council is not able to act. Similarly, Mappleton Parish Council has financial matters that need to be transacted by a quorate council. On this basis, it is necessary for the District Council to consider delegating authority to the Director of Corporate and Customer Services to make temporary appointments to the parishes until the vacancies can be filled under the power it has under Section 91 of the Local Government Act 1972. The use of this power is a function reserved to Council, which has not been delegated to an officer. The decision to delegate authority must therefore be made by the Council.
- 2.4 Consultation has taken place with the relevant Ward Members and political group leaders in the preparation of this report. All are supportive of the recommendation to delegate authority in this instance to enable temporary appointments to be made in a timely manner.

### **3 RISK ASSESSMENT**

Legal

- 3.1 Section 91(1) of the Local Government Act 1972 provides that the principal authority, in this case Derbyshire Dales District Council, can make an order to appoint to town or parish councils until such time as vacancies have been filled by election. The Council could choose not to appoint anyone to either parish council. However both parish councils would not be unable to make any decisions due to being inquorate. Without the District Council appointing to the parish councils, they would remain inquorate until the by-elections can be held.

Financial

- 3.2 There are no financial risks associated with the proposal.

### **4 OTHER CONSIDERATIONS**

- 4.1 In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

### **5 CONTACT INFORMATION**

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