

Council
14 October 2021

Report of the Director of Corporate and Customer Services

DELEGATION OF AUTHORITY – APPOINTMENT OF COUNCILLORS TO TANSLEY PARISH COUNCIL

PURPOSE OF REPORT

To delegate authority to the Director of Corporate and Customer Services to make appointments to Tansley Parish Council, which is currently inquorate and unable to act.

RECOMMENDATION

1. 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 Tansley Parish Council until May 2023.
2. That authority be delegated to the Director of Corporate and Customer Services to make temporary appointments to parish councils in the district 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

Matlock Saint Giles

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 Tansley Parish Council has indicated that it is presently unable to operate after all councillors failed to attend a meeting during a six month period after October 2020, which is a requirement under Section 85 of the Local Government Act 1972. As Tansley Parish Council is presently inquorate and cannot make a decision to co-opt, a request has been made to the District Council to make appointments until May 2023 when the next all-out elections are scheduled to take place.

- 2.2 Tansley Parish Council has financial matters that need to be transacted by a quorate council and decisions that have been taken without authority over the last six months will need to be confirmed by new parish councillors, so there is a need to move quickly to make appointments. On this basis, it is necessary for the District Council to consider delegating authority to the Director of Corporate and Customer Services to make appointments to the parish to serve until May 2023. 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.
- 2.3 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 appointments to be made in a timely manner.
- 2.4 This is the third report that has been submitted to Council in less than a year seeking authority for the Director of Corporate and Customer Services to make appointments to parish councils that have become inquorate across the district. When such instances occur it is often necessary to move quickly to enable those parish councils to become quorate, make decisions and payments to suppliers.
- 2.5 A number of local authorities have delegated authority from the Council to officers to make appointments, following consultation with the relevant Ward Member(s), to parish councils. It is recommended that Council establishes a permanent delegation to the Director of Corporate and Customer Services, following consultation with Ward Members, to make appointments to parish councils in the district.

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 the parish council. However, the parish council would not be unable to make any decisions due to being inquorate. Without the District Council appointing to the parish council, it would remain inquorate until a by-election could 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

- 5.1 James McLaughlin - Director of Corporate & Customer Services & Monitoring Officer
Tel: 01629 761281
Email: james.mclaughlin@derbyshiredales.gov.uk