

# Council



St Edmundsbury  
BOROUGH COUNCIL

<b>Title of Report:</b>	<b>Temporary Appointment to Vacancies on Parish Councils</b>	
<b>Report No:</b>	<b>COU/SE/15/019</b> [to be completed by Democratic Services]	
<b>Report to and date:</b>	<b>Annual Council</b>	19 May 2015
<b>Portfolio holder:</b>	To be confirmed following appointment of Cabinet Members.	
<b>Lead officer:</b>	Joy Bowes Service Manager (Legal) <b>Tel:</b> 01284 757141 <b>Email:</b> joy.bowes@westsuffolk.gov.uk	
<b>Purpose of report:</b>	The report proposes that appropriate Borough councillors be appointed temporarily to fill vacancies on Flempton cum Hengrave Parish Council which is inoperative owing to insufficient nominations being received for the recent election.	
<b>Recommendation:</b>	<b>It is <u>RECOMMENDED</u> that:</b>  <b>(1) Council appoint those persons named in Appendix 1 to Report No: COU/SE/15/019 to Flempton cum Hengrave Parish Council temporarily until the holding of an election; and</b>  <b>(2) an Order to that effect be made in accordance with s91 Local Government Act 1972.</b>	
<b>Key Decision:</b>  (Check the appropriate box and delete all those that <b><u>do not</u></b> apply.)	Is this a Key Decision and, if so, under which definition? Yes, it is a Key Decision - <input type="checkbox"/> No, it is not a Key Decision - <input checked="" type="checkbox"/>	

<p><i>The decisions made as a result of this report will usually be published within <b>48 hours</b> and cannot be actioned until <b>five clear working days of the publication of the decision</b> have elapsed. This item is included on the Decisions Plan.</i></p>			
<b>Consultation:</b>		<ul style="list-style-type: none"> <li>A current Member and Clerk to Flempton cum Hengrave Parish Council, and Ward Member</li> </ul>	
<b>Alternative option(s):</b>		<ul style="list-style-type: none"> <li>None</li> </ul>	
<b>Implications:</b>			
<p>Are there any <b>financial</b> implications? If yes, please give details</p>		<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <ul style="list-style-type: none"> <li></li> </ul>	
<p>Are there any <b>staffing</b> implications? If yes, please give details</p>		<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <ul style="list-style-type: none"> <li></li> </ul>	
<p>Are there any <b>ICT</b> implications? If yes, please give details</p>		<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <ul style="list-style-type: none"> <li></li> </ul>	
<p>Are there any <b>legal and/or policy</b> implications? If yes, please give details</p>		<p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <ul style="list-style-type: none"> <li>There is a legal procedure to be followed, as explained in the report.</li> </ul>	
<p>Are there any <b>equality</b> implications? If yes, please give details</p>		<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <ul style="list-style-type: none"> <li></li> </ul>	
<b>Risk/opportunity assessment:</b>		<i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>	
<b>Risk area</b>	<b>Inherent level of risk</b> (before controls)	<b>Controls</b>	<b>Residual risk</b> (after controls)
The Parish Council cannot take any decisions or transact business as it is inquorate	Medium	SEBC uses its power under s91 to appoint temporarily to the Parish Council	Medium
<b>Ward(s) affected:</b>		Risby Ward	
<b>Background papers:</b> <i>(all background papers are to be published on the website and a link included)</i>		None	
<b>Documents attached:</b>		<b>Appendix 1</b> – list of persons to be appointed.	

## **1. Key issues and reasons for recommendations**

- 1.1 At the recent election, not enough nominations were received for Flempton cum Hengrave Parish Council for it to be quorate. In order to be quorate it requires three Members but currently has only two. The full complement of Members is eight.
- 1.2 In this situation it is a legal requirement under s39(1) Representation of the People Act 1983 for the Returning Officer to call another election. The necessary steps are being taken for an election to be called within the statutory time limit of thirty-five days.
- 1.3 However, as the Parish Council is inquorate it cannot legally transact any business until at least one more Member is elected. Section 91 empowers the Borough Council to appoint persons to the Parish Council to fill all or any of the vacancies in these circumstances. The appointment has to be made by means of an Order and copies sent to the Secretary of State. The names of those to be appointed have been supplied by one of the current Members in consultation with the Clerk, as shown in Appendix 1. They all live in Flempton or Hengrave and three are former parish councillors.