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| MEETING: | COUNCIL |
| DATE: | 28 SEPTEMBER, 2012 |
| TITLE OF REPORT: | APPOINTMENT OF TEMPORARY COUNCILLORS TO OCLE PYCHARD PARISH COUNCIL |
| REPORT BY: | HEAD OF GOVERNANCE |

CLASSIFICATION: Open

Wards Affected

Bromyard

Purpose

To seek Council's approval for the temporary appointment of three Councillors to Ocle Pychard Parish Council to allow it to progress urgent business until either an election has been held or Councillors have been co-opted to fill some of the current vacancies which would allow the Council to become quorate.

Recommendation(s)

THAT:

- (a) That Council agrees to the appointment of the following Councillors as temporary members of Ocle Pychard Parish Council until such time as an election has been held and the new Councillors have taken up office or failing enough nominations being received, the co-option of three Councillors:

**Councillor J Lester
Councillor A Seldon
Councillor P Morgan**

- (b) That the Assistant Director (Law, Governance and Resilience) be authorised to make the necessary Order with effect from 28 September, 2012.

Key Points Summary

- Eight of the nine Ocle Pychard Parish Councillors have resigned.
- The Parish Council is not quorate and therefore cannot conduct any business.
- This Council has the authority to appoint temporary Councillors to the Parish Council until enough Councillors have been elected or co-opted.

Further information on the subject of this report is available from
John Jones, Head of Governance on (01432) 260222

Alternative Options

- 1 If this Council fails to appoint temporary Councillors the Council will remain inquorate and will not be able to conduct any business, which includes paying staff and bills.
- 2 The Council can refuse to make temporary appointments and in which case the Parish Council will not be able to function.

Reasons for Recommendations

- 3 The Council has the power, under the Local Government Act 1972 to take action and appoint temporary Councillors to the Ocle Pychard Parish Council which will then allow the Parish Council to function.

Introduction and Background

- 4 Eight of the nine Ocle Pychard Parish Councillors have resigned leaving the Council without a quorum and not able to conduct any business. Herefordshire Council is authorised under Section 39 (4) of the Representation of the People Act 1983 to appoint temporary Councillors, sufficient for there to be a quorum for them to conduct urgent items of business in the interim period and, to assist in the notification of vacancies and election/co-option of new Parish Councillors.
- 5 Following the eight resignations at Ocle Pychard Parish Council, there are so many vacancies that it is unable to act. Its quorum is four members. It cannot co-opt new Councillors or exercise any of its functions in these circumstances. The Local Government Act 1972 gives this Council the power to take action in such cases. This Council pursuant to an Order made under Section 91 of the 1972 Act, can appoint persons to fill such of the vacancies on the Parish Council as is appropriate to allow it to progress its business, until such time as the Council becomes quorate.
- 6 The Parish Clerk has identified a number of residents who are prepared to be co-opted onto the Parish Council which would mean the that Council's appointments would only be required to attend one or two meetings.
- 7 Notice of vacancies have already been published within the Parish and no prospective candidate came forward.

Key Considerations

- 8 The key considerations in relation to this matter are already set out above.

Community Impact

- 9 If the Parish Council is not able to function, the interests of local residents are not being represented.

Equality and Human Rights

Under Section 149, the "General Duty" on public authorities is set out thus:

"A public authority must, in the exercise of its functions, have due regard to the need to -

- eliminate discrimination, harassment, victimisation and any other conduct ... prohibited by or under this Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it."

10 The action proposed in this report supports the rights of local people. Attempts have been made to call an election but no candidates came forward.

Financial Implications

11 There are no financial implications of adopting the recommendations set out in this report.

Legal Implications

12 The Council is authorised under Section 91 of the Local Government Act 1972 to take the action recommended. A copy of the Order made under this Section of the Act must be sent to the Secretary of State.

Risk Management

13 The interests of local people many not be effectively represented if the Parish Council is not able to function.

14 Staff employed by the Parish Council cannot be paid, neither can bills.

15 Reputational risks if the Council fails to use the powers to supports the Parish Council.

Consultees

16 Ward Members.

Appendices

17 None.

Background Papers

None.