

Eden District Council  
Council

22 September 2022

**Sockbridge and Tirril Parish Council**

<b>Portfolio:</b>	Communities and Resources
<b>Report from:</b>	Assistant Director Legal and Democratic Services (Monitoring Officer)
<b>Wards:</b>	Eamont
<b>OPEN PUBLIC ITEM</b>	

**1 Purpose**

- 1.1 To obtain approval for the issuing of an Order under Section 91 of the Local Government Act 1972, as amended, to temporarily appoint persons to Sockbridge and Tirril Parish Council in order for the parish council to conduct its business.

**2 Recommendation**

It is recommended that the Assistant Director Legal and Democratic Services (Monitoring Officer) be authorised to:

- 2.1 take all necessary steps to make an Order under Section 91 of the Local Government Act 1972 to temporarily fill sufficient vacancies in the membership of Sockbridge and Tirril Parish Council as will make it quorate; and
- 2.2 arrange for administrative support to be provided as appropriate.

**3 Report Details**

- 3.1 Sockbridge and Tirril Parish Council currently only has two parish councillors. The Standing Orders of the Parish Council state that 'no business may be transacted at a meeting unless at least one-third of the whole number of members of the Council are present and in no case shall the quorum of a meeting be less than three'. The Parish Council is therefore inquorate which means it is unable to conduct its business and make any decisions.
- 3.2 Previous attempts by the Parish Council to co-opt parish councillors has proved unsuccessful.
- 3.3 The Clerk to the Parish Council has resigned and the position is therefore currently vacant
- 3.4 Section 112 of the Local Government Act, sets out that a parish or town (local) council shall appoint such officers as necessary for the proper discharge of their functions. Sockbridge and Tirril Parish Council is not able to fulfil this function in its current state.

- 3.5 Section 91(1) of the Local Government Act 1972, as amended, empowers the District Council to issue an order for the temporary appointment of persons to the parish council such that it is quorate. This would enable the parish council to conduct urgent business, including to hold elections for new parish councillors to be elected or the co-option of parish councillors as the case may be.
- 3.6 Eden District Council, as the local District authority, now needs to appoint temporary councillors sufficient for there to be a quorum, in order to conduct urgent items of business in the interim period and to assist in the notification of vacancies and election of new parish councillors until such time as those newly elected can take up office.
- 3.7 In accordance with Section 91(3) of the Local Government Act 1972 the Assistant Director Legal and Democratic Services (Monitoring Officer) will forward two copies of the Order to the Secretary of State.
- 3.8 All temporary appointments will terminate once sufficient parish councillors are elected or co-opted to the parish council.

## **4 Policy Framework**

- 4.1 The Council has four corporate priorities which are:
- Sustainable;
  - Healthy, safe and secure;
  - Connected; and
  - Creative
- 4.2 This report meets the **connected** corporate priority: Initiate co-production of renewed working arrangements with town and parish councils.

## **5 Consultation**

- 5.1 The Assistant Director Legal and Democratic Services (Monitoring Officer) has sought the views of local Ward Members. Councillor Neil Hughes, has agreed to be appointed to the Parish Council.
- 5.2 Those appointed must satisfy the usual rules to stand for any parish council vacancy.

## **6 Implications**

### **6.1 Financial and Resources**

- 6.1.1 Any decision to reduce or increase resources or alternatively increase income must be made within the context of the Council's stated priorities, as set out in its Council Plan 2019-2023 as agreed at Council on 7 November 2019.
- 6.1.2 There are minimal costs involved in officer time in drawing up the necessary Order and advising the Parish Council through this period. These costs will be met from existing resources.

### **6.2 Legal**

- 6.2.1 Section 91(1) and s(3) of the Local Government Act 1972, as amended, is required to be adhered to should the recommendation in the report be approved.

### 6.3 Human Resources

6.3.1 There are no human resource implications

### 6.4 Environmental

6.4.1 There are no environmental implications.

### 6.5 Statutory Considerations

<b>Consideration:</b>	<b>Details of any implications and proposed measures to address:</b>
Equality and Diversity	This report deals with the governance arrangements for ensuring that the Parish Council is able to operate.
Health, Social Environmental and Economic Impact	None
Crime and Disorder	None
Children and Safeguarding	None

### 6.6 Risk Management

<b>Risk</b>	<b>Consequence</b>	<b>Controls Required</b>
The Parish Council remains inquorate.	The Parish Council will be unable to act.	Ensure quorate is in place to enable the parish Council to operate.

## 7 Other Options Considered

7.1 There are no alternative options for consideration.

## 8 Reasons for the Decision/Recommendation

8.1 To enable an Order to be made to ensure that Sockbridge and Tirril Parish Council is quorate and to enable the Parish Council to conduct urgent business.

### Tracking Information

<b>Governance Check</b>	<b>Date Considered</b>
<b>Chief Finance Officer (or Deputy)</b>	13 September 2022
<b>Monitoring Officer (or Deputy)</b>	13 September 2022
<b>Relevant Assistant Director</b>	N/A

**Background Papers:** None

**Appendices:** None

**Contact Officer:** Ian Bonfig, Democratic Services Officer