

Decision under Delegated Powers

Officer Making the Decision

Chief Executive

Recommendation

That the appended Order appointing the following individuals:

Catherine Duffy (Borough Councillor for East Goscote)
Eric Vardy (Borough Councillor for Syston West)
Ken Jones (Borough Councillor for Sileby)

as temporary Members of East Goscote Parish Council under s91 of the Local Government Act 1972, with effect from the date the Order is sealed, be made.

Reason

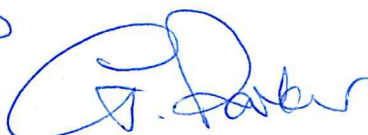
To make temporary appointments to East Goscote Parish Council to allow it to be able to form a quorum and continue to act.

Authority for Decision

Section 8.2 of the Constitution gives delegated authority to the Chief Executive to undertake other election duties not reserved by the Council. Section 91 of the Local Government Act is classed as an election function, and it has not been specifically reserved to the Council.

Decision and Date

APPROVED

 02 December 2014.

Background

A formal request was been received from the Vice Chair of East Goscote Parish Council on 20th November 2014 for the Borough Council to intervene, as they are now unable to act following the recent resignations of several of their Councillors, which means the Parish Council cannot form a quorum and is therefore unable to make any decisions.

In such situations s91 of the Local Government Act 1972 allows the Borough Council to make temporary appointments of persons to act as Parish Councillors.

The Chief Executive has consulted with Group Leaders, and the approach which has been followed in identifying persons to be appointed has been to ask the following persons whether they would be willing to be appointed:

1. The Borough Councillor whose ward East Goscote falls within
2. The County Councillor whose division East Goscote falls within
3. Borough Councillors from neighbouring wards (Queniborough, Wreake Villages, Sileby, and Syston).

The persons appointed will act until 11th May 2015 (being the date on which new councillors elected on 7th May would come into office), or until such time as any by-elections to fill casual vacancies return the number of parish councillors to a level where a quorum could be established. It is anticipated that the arrangements will permit a 'care-taker' situation, allowing basic parish council business to continue for the interim period. Such arrangements would not prevent the Parish Council from co-opting additional members, providing the appropriate rules are followed, and one or more of the persons appointed by the Borough Council resigning from the Parish Council if a quorum was established through co-option.

Two copies of the completed Order must be sent to the Secretary of State.

Comments from HR

Not applicable.

Financial Implications

There are no financial implications for this Council.

Risk Management

Risk Identified	Likelihood	Impact	Risk Management Actions Planned
Objections could be made to the persons the Council is appointing	Possible	Low	The persons being appointed are democratically elected Borough and County councillors from the East Goscote area and neighboring wards. This is an approach taken by other principle councils when making appointments in similar circumstances. Local people have the opportunity to call an election when notices of vacancies are published. Also full parish council

Risk Identified	Likelihood	Impact	Risk Management Actions Planned
			elections are scheduled within 6 months (on 7 th May 2015).

Key Decision:

No

THIS ORDER is made on the day of two thousand
and fourteen by CHARNWOOD BOROUGH COUNCIL (HERINAFTER
CALLED "the Borough Council").

1. WHEREAS following the resignation of such a number of members of East Goscote Parish Council that there are now so many vacancies in the office of Parish Councillor that the Parish Council is no longer able to act.
2. Under section 91 of the Local Government Act 1972 where there are so many vacancies in the officer of Parish Councillor that a Parish Council is unable to act, the Borough Council may, by order, appoint persons to fill all or some of the vacancies until other Parish Councillors are elected and take up office.

Now in pursuance of the power conferred upon it by section 91 of the Local Government Act 1972 the Borough Council hereby appoints the following persons to act as Members of East Goscote Parish Council until the earlier of 11th May 2015 or until elections have been held to fill such vacancies as shall constitute and re-establish a quorum in the respective Parish Council, whereupon such appointments shall cease:

EAST GOSCOTE PARISH COUNCIL

- CATHERINE DUFFY
- ERIC VARDY
- KENNETH JONES

The COMMON SEAL of Charnwood
Borough Council was hereunto affixed
in the presence of:

.....

THIS ORDER is made on the 2nd day of December two thousand and fourteen by CHARNWOOD BOROUGH COUNCIL (HEREINAFTER CALLED "the Borough Council").

1. WHEREAS following the resignation of such a number of members of East Goscote Parish Council that there are now so many vacancies in the office of Parish Councillor that the Parish Council is no longer able to act.
2. Under section 91 of the Local Government Act 1972 where there are so many vacancies in the officer of Parish Councillor that a Parish Council is unable to act, the Borough Council may, by order, appoint persons to fill all or some of the vacancies until other Parish Councillors are elected and take up office.

Now in pursuance of the power conferred upon it by section 91 of the Local Government Act 1972 the Borough Council hereby appoints the following persons to act as Members of East Goscote Parish Council until the earlier of 11th May 2015 or until elections have been held to fill such vacancies as shall constitute and re-establish a quorum in the respective Parish Council, whereupon such appointments shall cease:

EAST GOSCOTE PARISH COUNCIL

CATHERINE DUFFY
ERIC VARDY
KENNETH JONES

The COMMON SEAL of Charnwood
Borough Council was hereunto affixed
in the presence of:

[Handwritten signature]



2014/15-92