

 Licensing & Regulatory Committee 31 May 2015		Agenda Item No. 7
Title	Inquorate Parish Council, Local Government Act 1972 Section 91 – Weston Under Wetherley Parish Council	
For further information about this report please contact	Graham Leach - Democratic Services Manager 01926 456114 – graham.leach@warwickdc.gov.uk	
Wards of the District directly affected	Stoneleigh & Cubbington	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?	No	
Date and meeting when issue was last considered and relevant minute number	N/A	
Background Papers	None	

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	No
Included within the Forward Plan? (If yes include reference number)	No
Equality & Sustainability Impact Assessment Undertaken	No
Impact Assessment were not undertaken because the report relates to action to be taken under Legislation.	

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive	19 th May 2016	Chris Elliott, Andrew Jones
Head of Service	-	Not Applicable
CMT	-	Not Applicable
Section 151 Officer	19 th May 2016	Mike Snow
Monitoring Officer	19 th May 2016	Andrew Jones
Finance	19 th May 2016	Jenny Clayton
Portfolio Holder(s)	19 th May 2016	Andrew Mobbs
Consultation & Community Engagement		
Max Howarth – Solicitor Acting for the Council – Gillian Friar – Electoral Services Manager – Councillor George Illingworth - Chairman of Licensing & Regulatory Committee in 2015/16 Councillor Nicholas Harrington – Cubbington & Stoneleigh Ward Councillor – Councillor Mrs Pam Redford - Cubbington & Stoneleigh Ward Councillor – County Councillor Wallace Redford – Cubbington Division Councillor		
Final Decision?		Yes
Suggested next steps (if not final decision please set out below)		

1. SUMMARY

- 1.1 The report brings forward proposals to appoint three Parish Councillors to Weston Under Wetherley Parish Council as all of the existing Parish Councillors have resigned.

2. RECOMMENDATION

- 2.1 The Order, set out at Appendix 1 to this report, be made to appoint three Parish Councillors to Weston Under Wetherley Parish Council to ensure the Council is quorate, and that they be the two District Councillors for the Cubbington & Stoneleigh Ward (Councillors Harrington & Mrs Redford) and the Warwickshire County Councillor for the Cubbington Division (Councillor Wallace Redford).

3. REASONS FOR THE RECOMMENDATION

- 3.1 At the Annual Parish Meeting of Weston-Under –Wetherley Parish, on 11 May 2016, all five of the Weston-Under-Wetherley Parish Councillors resigned leaving the Council inquorate and unable to operate until new Councillors are appointed. The Council is normally made up of six Councillors with a quorum of three but the Council had in any case been carrying a vacancy. The Parish Clerk has also resigned.
- 3.2 Whilst this state of affairs is the responsibility of the Parish Council, the possibility of there being inquorate Parish Councils has been anticipated as there is statutory provision to cover such an eventuality. This provision entitles the District Council to appoint, on a temporary basis, a sufficient number of Parish Councillors to enable the work of the Parish Council to continue until elections can be held.
- 3.3 The Local Authority (Functions and Responsibilities) (England) Regulations 2000 defines this matter as a function relating to elections and that it cannot be an Executive function. The Licensing & Regulatory Committee is delegated all powers for the Council in relation to Elections and Electoral Registration and it therefore needs to consider this matter.
- 3.4 It is therefore recommended that the Committee make the necessary Order (at Appendix 1) under Section 91 of the Local Government Act 1972, appointing sufficient Members (in this case 3) to constitute a quorum for the Weston-Under-Wetherley Parish Council. Those persons appointed will only act so long as necessary until an election can be held, which is anticipated to take place on 28 July 2016 (Election timetable is set out at Appendix 2).
- 3.5 It is suggested that the 3 persons appointed to ensure the Parish Council is quorate are the 2 District Councillors representing the Cubbington & Stoneleigh Ward and the existing Warwickshire County Councillor representing the Cubbington Division. This is proposed as it because their Ward/Division currently covers the administrative area of the Parish and therefore they have knowledge of the area and operation of the Council; as well as democratic legitimacy.
- 3.6 As earlier indicated the Clerk to the Parish Council has also handed in her notice in and will leave the Parish Council in June 2016. Therefore, by making the appointments as indicated above the 3 Councillors as Parish Councillors they can start the recruitment process for the new Clerk.

4. **POLICY FRAMEWORK**

- 4.1 **Policy Framework** – The report does not bring forward any changes to the Policy Framework of the Council.
- 4.2 **Fit for the Future** – The recommendation of the report has no direct impact on the Council's Fit for the Future programme but by ensuring that a local community council can continue to operate during this transition phase and provide a voice and representation for its community it is acting on the value of the Council as being Community Focused.

5. **BUDGETARY FRAMEWORK**

- 5.1 The report has no financial/budgetary implications for the Council. However, for reference it is anticipated the cost of an election if held would be in the region of £5,000 and this would be recharged to the Parish Council.

6. **ALTERNATIVE OPTION(S) CONSIDERED**

- 6.1 The Council could consider not appointing to these vacant positions and could wait instead for the outcome of an election in due course. However, this approach would stop the Parish Council from operating for an unknown period and so would remove this important voice from the community.

7. **BACKGROUND**

- 7.1 The Parish Council has been experiencing a period of challenges and instability which has led to the resignations. The appointment of the 3 Councillors can perhaps allow for a period of stability in co-operation with the Warwickshire Association of Local Councils and the District Council and the County Council as legal adviser to this Council.

This Order is made on the 1 day of June two thousand and sixteen by the WARWICK DISTRICT COUNCIL (HEREINAFTER CALLED "The Council").

- 1 WHEREAS following insufficient nominations to Weston Under Wetherley Parish Council, three councillors are required to ensure the Parish Council remains quorate.
- 2 Under Section 91 of the Local Government Act where there are so many vacancies in the Office of Parish Councillors that the Parish Council are unable to act, the District Council may, by order, appoint persons to fill all or any of the vacancies until other councillors are elected to take up office.

Now in pursuance of the Power confirmed upon it by Section 91 of the Local Government Act 1972 the Council hereby appoints the following persons to act as Members of Weston Under Wetherley Parish Council until an election has been held to fill such vacancies as shall constitute and re-establish a quorum in the respective Parish Council where upon such appointment shall cease.

WESTON UNDER WETHERLEY PARISH COUNCIL (insert three names)

THE COMMON SEAL of)	District Councillor
WARWICK DISTRICT COUNCIL)	for the Stoneleigh Cubbington Ward
was hereunto affixed this 1 day of June))	Nicholas Harrington
two thousand and sixteen)	District Councillor
in the presence of:)	for the Stoneleigh & Cubbington
)	Ward
		Councillor Mrs Pam Redford, and
		Warwickshire County Councillor for
		the Cubbington Division Wallace
		Redford.

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Chief Executive

Weston under Wetherley Parish Election Time Table Thursday 28 July 2016

Publication of Notice of Election	Thursday 23 June 2016
Receipt of Nominations	4:00 pm Friday 1 July 2016
Withdrawal of Candidate	4:00 pm Friday 1 July 2016
Appointment of Election Agents	4:00 pm Friday 1 July 2016
Publication of Notice of Election Agents	4:00 pm Friday 1 July 2016
Publication of Statements of Persons Nominated	4:00 pm Monday 4 July 2016
Last Date for Registration	Tuesday 12 July 2016
Receipt of Postal Vote Applications	5:00 pm Wednesday 13 July 2016
Publication of Notice of Poll	Wednesday 20 July 2016
Receipt of Proxy Vote Applications	5:00 pm Wednesday 20 July 2016
Appointment of Poll and Count Agents	Thursday 21 July 2016
First Day to Issue Replacement Lost Postal Ballot Papers	Friday 22 July 2016
Receipt of Emergency Proxy Vote Applications	5:00 pm Thursday 28 July 2016
Last Day to Issue Replacement Spoilt or Lost Postal Ballot Papers	5:00 pm Thursday 28 July 2016
Day of Poll	7:00 am to 10:00 pm Thursday 28 July 2016
Declaration of Candidates Expenses	Thursday 25 August 2016