

 <b>Regulatory Committee 17 December 2012</b>		<b>Agenda Item No.</b>
<b>Title</b>	Inquorate Parish Council, Local Government Act 1972 Section 91 – Weston Under Wetherley Parish Council	
<b>For further information about this report please contact</b>	Graham Leach- Democratic Services Manager 01926 456114 – <a href="mailto:graham.leach@warwickdc.gov.uk">graham.leach@warwickdc.gov.uk</a>	
<b>Wards of the District directly affected</b>	Cubbington	
<b>Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?</b>	No	
<b>Date and meeting when issue was last considered and relevant minute number</b>	N/A	
<b>Background Papers</b>	None	

<b>Contrary to the policy framework:</b>	No
<b>Contrary to the budgetary framework:</b>	No
<b>Key Decision?</b>	No
<b>Included within the Forward Plan? (If yes include reference number)</b>	No
<b>Equality &amp; Sustainability Impact Assessment Undertaken</b>	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	10/12/2012 10/12/2012	Andrew Jones Chris Elliott
Head of Service		
CMT		
Section 151 Officer		
Monitoring Officer	10/12/2012	Andrew Jones
Finance	10/12/2012	Jenny Clayton
Portfolio Holder(s)	10/12/2012	Michael Doody
Consultation & Community Engagement		
Max Howarth – Solicitor Acting for the Council – 10 December 2012		
Gillian Friar – Electoral Services Manager – 10 December 2012		
Norman Pratt – Chairman of Regulatory Committee and Cubbington Ward Councillor 10/12/2012		
John Hammon – Cubbington Ward Councillor – 10/12/2012		
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.

## 2. **RECOMMENDATION**

- 2.1 The Order, set out at Appendix 1 to the report, be made to appoint three Parish Councillors to Weston Under Wetherley Parish Council to ensure the Council is quorate, and that these be the two District Councillors for the Cubbington Ward and the Warwickshire County Councillor for the Cubbington Division.

## 3. **REASONS FOR THE RECOMMENDATION**

- 3.1 At the 5 December 2012 meeting of Weston Parish Council one of the three Councillors on the Council resigned and this left the Council as inquorate. The Council is normally made up of six Councillors with a quorum of three. However the Council had been carrying three vacancies for several months and with the recent resignation it means the Council is no longer quorate and cannot operate until new Councillors are appointed.
- 3.2 Whilst this state of affairs is the responsibility of the Parish Council, the possibility of there being inquorate Councils has been envisaged by the legislature which has made statutory provision to cover such eventualities. 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 define this matter as a function relating to elections and that it cannot be an Executive function. The Regulatory Committee is delegated all powers for the Council relationship to Elections and Electoral Registration and therefore needs to consider this matter.
- 3.4 It is therefore recommended that the Committee make the necessary Order under Section 91 of the Local Government Act 1972, appointing sufficient Members 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 7 February 2013.
- 3.5 The proposed Order is attached as an Appendix to this report, and would suggest that the Committee agree to 3 persons being appointed to ensure the Parish Council is quorate, and that we nominate the 2 District Councillors representing the Ward and the existing Warwickshire County Councillor representing the Cubbington Division. It is considered appropriate to appoint these Councillors 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.

## 4. **POLICY FRAMEWORK**

- 4.1 **Policy Framework** – The report does not bring forward and changes to the Policy Framework.

- 4.2 **Fit for the Future** – The recommendation of the report ensures that a local community Council can continue to operate during this transition phase and provide a voice and representation for its community. In doing this it enhances the value of the Council of 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 £2,000 and this would be recharged to the Parish Council.

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

- 6.1 The Council could consider not appointing to these positions and waiting for the outcome of the election in February. However this would stop the Parish Council from operating and would remove this important voice from the community.

7. **BACKGROUND**

- 7.1 This should contain any additional information which does not form the reasons for the recommendation section of the report.

## APPENDIX 1

This Order is made on the 17<sup>th</sup> day of December two thousand and twelve 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**

THE COMMON SEAL of )  
WARWICK DISTRICT COUNCIL )  
was hereunto affixed this 17<sup>th</sup> day of  
December )  
two thousand and twelve )  
in the presence of: )

### **(insert three names)**

District Councillor  
for the Cubbington Ward  
John Hammon  
District Councillor  
for the Cubbington Ward  
Councillor Norman Pratt, and  
Warwickshire County  
Councillor for the Cubbington  
Division Michael Doody.

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Chief Executive