

Arun District Council

REPORT TO:	Annual Meeting of the Council – 31 May 2023
SUBJECT:	Ford Parish Council and Lyminster & Crossbush Parish Council – Co-Option of District Council Members
LEAD OFFICER:	Daniel Bainbridge, Group Head of Law and Governance
LEAD MEMBER:	Leader of the Council
WARDS:	Yapton and Arundel & Walberton Wards
CORPORATE PRIORITY / POLICY CONTEXT / CORPORATE VISION: This report seeks to enable two Parish Councils to continue to fulfil their duties to their residents.	
DIRECTORATE POLICY CONTEXT: Responsibility for these matters sits within the remit of the Monitoring Officer.	
FINANCIAL SUMMARY: There are no financial implications associated with this report.	

1. PURPOSE OF REPORT

- 1.1 To ensure that both Ford Parish Council and Lyminster and Crossbush Parish Council are quorate and able to return to full functionality and co-opt members to their respective authorities.

2. RECOMMENDATIONS

- 2.1 The Council is asked to resolve as follows:
 1. To temporarily appoint Councillor Henry Jones to Ford Parish Council, to make it quorate and therefore fully functional, for six months; and
 2. To temporarily appoint Councillor Penycate and Councillor McAuliffe to Lyminster and Crossbush Parish Council to make it quorate and therefore fully functional, for six months.

3. EXECUTIVE SUMMARY

- 3.1 Following the 4 May 2023 local elections, both Ford Parish Council and Lyminster and Crossbush Parish Council have found themselves short of the numbers of elected parish councillors required for their meetings to be quorate under their Standing Orders.

- 3.2 At full complement, Ford Parish Council has seven parish councillors and needs three in order for its meetings to be quorate. Two councillors were elected and so they would need at least one councillor to be appointed by the District Council in order to be quorate.
- 3.3 At full complement, Lyminster and Crossbush Parish Council has eight parish councillors and needs three in order for its meetings to be quorate. One parish councillor was elected and so they would need at least two councillors to be appointed by the District Council in order to be quorate.
- 3.4 Section 91 of the Local Government Act 1972, which is entitled ‘Temporary appointment of members of parish and community councils’, provides a temporary solution whereby Arun District Council is able to exercise its statutory power to make quorate both Parish Councils through the temporary appointment of sufficient District Councillors under Section 91 of the Local Government Act 1972 to enable them to meet and to proceed with any co-options and other fundamental business that it needs to transact.

4. DETAIL

- 4.1 Following the 4 May 2023 local elections, Ford Parish Council and Lyminster and Crossbush Parish Council have both found themselves in the position of being short of the number of elected parish councillors required under their Standing Orders to be quorate and therefore to meet at all.
- 4.2 Section 91 of the Local Government Act 1972, which is entitled ‘Temporary appointment of members of parish and community councils’, provides a temporary solution.

Subsection (1) states that:

“Where there are so many vacancies in the office of parish or community councillor that the parish or community council are unable to act, the district council [or Welsh principal council] may by order appoint persons to fill all or any of the vacancies until other councillors are elected and take up office.”

- 4.3 Two copies of every order made under Section 91 shall be sent to the Secretary of State.
- 4.4 This would be a temporary provision. Both Parish Councils would then declare the vacancies through a notice of vacancy. A by-election would then be triggered if ten electors, together or separately from the parish, requested that such an election is held within fourteen working days of the publication of the notice of vacancy. If the election were triggered, then it would have a polling day within 60 working days of the publication of the notice of vacancy. If no such election were triggered, then Clapham Parish Council would be able to fill the vacancies by co-option.

4.5 It is proposed that the Council resolves to appoint, temporarily, one District Councillors to For Parish Council and one District Councillor to Lyminster and Crossbush Parish Council for six months to make them quorate and ensure that they are fully functional. It is proposed that the District Councillors appointed are from the Yapton Ward which covers the parish of Ford, and from Arundel & Walberton Ward which covers Lyminster and Crossbush parish. Councillors Henry Jones, Mel Penycate and Stephen McAuliffe have given their agreement to take on this role.

5. CONSULTATION

5.1 The Group Head of Law and Governance has consulted with the clerk to both Parish Councils (which share a clerk) and with relevant District Ward Councillors.

6. OPTIONS / ALTERNATIVES CONSIDERED

6.1 The Full Council could refuse the provision to temporarily appoint District Councillors, although this would leave the Parish Councils unable to transact any business on behalf of their parishioners and to meet their legal obligations.

7. COMMENTS BY THE INTERIM GROUP HEAD OF FINANCE/SECTION 151 OFFICER

7.1 There are no financial implications associated with this report.

8. RISK ASSESSMENT CONSIDERATIONS

8.1 The risk to the Parish Councils is that they are unable to transact any business on behalf of their parishioners and to meet their legal obligations.

9. COMMENTS OF THE GROUP HEAD OF LAW AND GOVERNANCE & MONITORING OFFICER

9.1 The legal and governance position is set out within the body of this report.

10. HUMAN RESOURCES IMPACT

10.1 None associated with this report.

11. HEALTH & SAFETY IMPACT

11.1 None associated with this report.

12. PROPERTY & ESTATES IMPACT

12.1 None associated with this report.

13. EQUALITIES IMPACT ASSESSMENT (EIA) / SOCIAL VALUE

13.1 None associated with this report.

14. CLIMATE CHANGE & ENVIRONMENTAL IMPACT/SOCIAL VALUE

14.1 None associated with this report.

15. CRIME AND DISORDER REDUCTION IMPACT

15.1 None associated with this report.

16. HUMAN RIGHTS IMPACT

16.1 None associated with this report.

17. FREEDOM OF INFORMATION / DATA PROTECTION CONSIDERATIONS

17.1 None associated with this report.

CONTACT OFFICER:

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BACKGROUND DOCUMENTS:

None.