



North Devon Council

Report Date: 11 January 2023

Topic: Ashford Parish Council – Appointment of Temporary Parish Councillors

Report by: Senior Solicitor and Monitoring Officer

1. INTRODUCTION

1.1. Ashford Parish Council currently has no councillors as a result of not meeting for more than 6 months. This report seeks to appoint three temporary councillors to Ashford Parish Council to make it quorate.

2. RECOMMENDATIONS

2.1. That Full Council make an Order under section 91 of the Local Government Act 1972 in the form annexed to this report to appoint the identified temporary councillors to Ashford Parish Council to make it quorate pending the election of sufficient numbers of parish councillors.

3. REASONS FOR RECOMMENDATIONS

3.1. To allow the continued operation of Ashford Parish Council in the interests of the community in that parish and in order to progress with urgent matters including signing off the Parish Council's accounts and setting the precept.

4. REPORT

4.1. Pursuant to section 85 of the Local Government Act 1972 the parish councillors on Ashford Parish Council ceased to be parish councillors on or about 12 November 2022. This is as a result of not meeting for more than 6 months which came about as a result of internal disputes between the parish councillors, including legal action being taken resulting in problems for the Parish Council in obtaining insurance and the parish councillors subsequently being unwilling to meet.

4.2. Under section 91 Local Government Act 1972 where there are so many vacancies that the Parish Council simply cannot function, the District Council has the power to appoint, by order, new parish councillors. The District Council can fill all or some of the vacancies in this way and the temporary councillors will stand until other councillors can be elected and take up office.

4.3. Due to the automatic effect of section 85 Local Government Act 1972, Ashford Parish Council currently has no parish councillors pending the next election. The Parish Council's standing orders provided that it needs at least three councillors to be quorate.

4.4. It is accepted practice that the District Council may approach the Ward Member on the District Council and the local County Councillor, followed by District Councillors of neighbouring Wards before advertising wider and this is the procedure that was undertaken in this case resulting in those named on the annexed order confirming their willingness to take on this role.

4.5. Technically, given the date the previous parish councillors ceased to hold that title (12 November 2022) was less than 6 months before the next election the alternative is that the District Council could not appoint temporary councillors and wait for a new Parish Council to be formed following the election. We do not consider that this is in the best interest of the Parish Council or the community it serves. It is important that it is able to function and carry out its legal duties and there are temporary councillors who are ready and willing to be appointed.

5. RESOURCE IMPLICATIONS

5.1. There are no major resource implications from adopting this approach, although, there may be a need for the District Council to provide additional support to the Parish Council once it is quorate.

6. EQUALITIES ASSESSMENT

6.1. There are no equalities implications anticipated as a result of this report.

7. ENVIRONMENTAL ASSESSMENT

7.1. There are no environmental implications arising from the proposals in this report.

8. CORPORATE PRIORITIES

8.1. Ensuring that a local parish council continues to be functional is in line with the Council's priorities around customer focus and regeneration and economic development.

9. CONSTITUTIONAL CONTEXT

9.1. Article 4.5.7

10. STATEMENT OF CONFIDENTIALITY

This report contains no confidential information or exempt information under the provisions of Schedule 12A of 1972 Act.

11. BACKGROUND PAPERS

The background papers are available for inspection and kept by the author of the report.



12. STATEMENT OF INTERNAL ADVICE

The author (below) confirms that advice has been taken from all appropriate Councillors and Officers: Simon Fuller, Senior Solicitor and Monitoring Officer