

CHESHIRE EAST COUNCIL

Constitution Committee

Date of Meeting:	15 th July 2016
Report of:	Head of Governance and Democratic Services
Subject/Title:	Vacancies in the Office of Parish Councillor - Twemlow Parish Council

1.0 Report Summary

- 1.1 This report invites the Committee to recommend to Council that two appointments be made to Twemlow Parish Council and that the terms of reference of the Committee be amended.

2.0 Recommendations

- 2.1 That Council be recommended that:

1. the Director of Legal Services be authorised to:
 - (a) draw up and execute an Order (to be known as 'The Cheshire East Council (Temporary Appointments to Twemlow Parish Council) Order 2016') pursuant to section 91 of the Local Government Act 1972 to appoint Councillors Les Gilbert and Andrew Kolker to Twemlow Parish Council until such time as two or more other councillors have been elected to or co-opted by the Parish Council; and
 - (b) send two copies of that Order to the Secretary of State; and
2. the Council's powers under section 91 of the Local Government Act 1972 in relation to the appointment of persons to fill vacancies on parish councils where such councils are otherwise unable to act be delegated to the Constitution Committee and the terms of reference of the Committee, and hence the Constitution, be amended accordingly.

3.0 Reasons for Recommendations

- 3.1 The appointments to Twemlow Parish Council are necessary for the parish council to be quorate and therefore able to take decisions.
- 3.2 The delegation to the Committee of the Council's powers under section 91 of the Local Government Act 1972 will enable such matters to be determined by the Committee in future without reference to full Council.

4.0 Background and Options

- 4.1 Twemlow Parish Council has 7 seats, but currently has 5 vacancies. The quorum for the Council is 4. Therefore, the Parish Council cannot make decisions at this time.
- 4.2 Section 91 of the Local Government Act 1972 provides that where there are so many vacancies on a parish council that it is unable to act, the Borough Council may by order appoint persons to fill all or any of the vacancies until other councillors can be elected or co-opted to the parish council. It is the normal practice for such appointments to be made from among the local Borough ward councillors for the area covered by the parish. Twemlow parish is situated wholly within the Borough ward of Dane Valley. The Borough Councillors for that ward are Councillors Les Gilbert and Andrew Kolker. Both Councillors have been consulted and have confirmed that they are willing to be appointed to the Parish Council until such time as two or more other councillors have been elected to or co-opted by the Parish Council.
- 4.3 The 1972 Act requires the making of such temporary appointments to be made 'by order.' Accordingly, it is recommended that the Director of Legal Services be authorised to draw up and execute the requisite order; the order to be known as 'The Cheshire East Council (Temporary Appointments to Twemlow Parish Council) Order 2016.' Two copies of this order are required to be sent to the Secretary of State.
- 4.4 Given that the Council may be required to make similar temporary appointments to parish councils in the future, it is recommended that Council delegate this function to the Constitution Committee and amend the Committee's terms of reference accordingly.

5.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

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