

## Report to Council

Wednesday, 21 June 2023

By the Chief Executive

**DECISION REQUIRED**



**Horsham  
District  
Council**

Not Exempt

### Temporary Appointment of Councillors to Parish Councils

#### Executive Summary

This report is about the temporary appointment of councillor Dennis Livingstone to Nuthurst Parish Council.

Nuthurst Parish Council has become inquorate and so is unable to act and carry out its normal business.

Accordingly, Council is recommended to approve the temporary appointment of councillor Dennis Livingstone to Nuthurst Parish Council. This will enable the parish council to co-opt parish councillors to become quorate.

#### Recommendations

The Council is recommended to:

- i) Approve the temporary appointment of Councillor Dennis Livingstone to Nuthurst Parish Council; and
- ii) Authorise the making of an order, in the form contained in Appendix 1, for the temporary appointment of Councillor Dennis Livingstone to Nuthurst Parish Council.

#### Reasons for Recommendations

To enable Nuthurst Parish Council to co-opt Parish Councillors to become quorate and carry out its business.

#### Background Papers

Horsham District Council - Constitution

**Wards affected:** Nuthurst and Lower Beeding;

**Contact:** Aisha Nottage, Democratic Services and Elections Manager.

## **Background Information**

### **1 Introduction and Background**

- 1.1 Paragraph 12 of Part II of Schedule 12 to the Local Government Act 1972 provides that no business shall be transacted at a meeting of a parish council unless at least one third of the whole number of members of the council are present at the meeting; but notwithstanding this, in no case shall the quorum be less than three.
- 1.2 Following the parish council elections on 4 May 2023, 3 Nuthurst parish councillors resigned. There are presently now 3 parish councillors from the total number of eleven available. This means that Nuthurst Parish Council does not have enough councillors to be quorate, as it requires 4 parish councillors (one third of the whole number of members).
- 1.3 Accordingly, the Council is asked to approve the appointment of councillor Dennis Livingstone to render it quorate to facilitate the co-option of other parish councillors.

### **2 Relevant Council policy**

- 2.1 The Council has a duty to ensure that Parish Councils are able to act.

### **3 Details**

- 3.1 The clerk of Nuthurst Parish Council reported to the Interim Monitoring Officer that the parish council is unable to operate due to being inquorate. Nuthurst Parish Council has received expressions of interest for co-option but as a result of being inquorate has not been able to proceed.
- 3.2 Councillor Dennis Livingstone, being the ward member for Nuthurst and Lower Beeding has agreed to be appointed temporarily to Nuthurst Parish Council to assist with the required co-options to render the parish council quorate.
- 3.3 This temporary appointment will end once sufficient parish councillors are co-opted to the parish council so that it is quorate.
- 3.4 The Council is required to make an order confirming the temporary parish councillor appointment and send it to the Secretary of State ("the Order").
- 3.5 Accordingly, the Council is asked to (i) approve the temporary appointment of councillor Dennis Livingstone to Nuthurst parish council so that it is quorate and can co-opt further parish councillors, and, (ii) authorise the making of the Order.

### **4 Next Steps**

- 4.1 The Order will be sent to the Secretary of State and the Nuthurst Parish Clerk.

## **5 Views of the Policy Development Advisory Group and Outcome of Consultations**

5.1 Consultation was not applicable in this instance.

## **6 Other Courses of Action Considered but Rejected**

6.1 None as the parish council is required to be quorate to operate.

## **7 Resource Consequences**

7.1 Any work required to give effect to the recommendations contained in this report will be undertaken in-house.

## **8 Legal Considerations and Implications**

8.1 Section 91(1) of the Local Government Act 1972 provides where there are so many vacancies in the office of parish councillors that the parish council is unable to act, the district council may by Order appoint persons to fill all or any of the vacancies until other councillors are elected and take up office.

8.2 Otherwise, all legal comments have been incorporated into this report.

## **9 Risk Assessment**

9.1 Should the recommendation not be approved, Nuthurst Parish Council may not be able to act and make decisions.

## **10 Procurement implications**

10.1 None.

## **11. Equalities and Human Rights implications / Public Sector Equality Duty**

11.1 None.

## **12 Environmental Implications**

12.1 None.

## **13 Other Considerations**

13.1 None.

