

Report to	-	Licensing & General Purposes Committee
Date	-	15 April 2019
Report of the	-	Executive Director
Subject	-	Inquorate Parish Council, Local Government Act 1972 Section 91 – Rye Foreign Parish Council

Recommendation: It be **RESOLVED:** That the Executive Director be granted delegated authority to make the Order annexed hereto on Saturday 4 May 2019 to appoint one Parish Councillor to Rye Foreign Parish Council to ensure the Council is quorate; the appointee to be the East Sussex County Councillor for the Rye Foreign and Northern Rother Division, Angharad Davies.

1. At the close of nominations for the Parish Council Elections scheduled for 2 May 2019, Rye Foreign Parish Council was inquorate, having received only two nominations, the full Parish Council being made up of five members and which requires a quorum of three. 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.
2. The Licensing & General Purposes Committee has the power to make temporary appointments to Parish Councils in this eventuality.
3. It is therefore recommended that the Committee give delegated authority to the Executive Director to make the necessary Order under Section 91 of the Local Government Act 1972, appointing sufficient Members to constitute a quorum for the Rye Foreign Parish Council. The person appointed will only act so long as necessary until an election can be held, this will probably be sometime in June 2019. The proposed Order is attached as an Appendix to this report. I would suggest that the Committee agree to one person being appointed to ensure the Parish Council is quorate, and that we nominate existing East Sussex County Councillor representing the Rye Foreign and Northern Rother Division.

Malcolm Johnston
Executive Director

Risk Assessment Statement

Failure to approve the Order would result in the Parish Council of Rye Foreign being inquorate and unable to carry out its normal functions.

This Order is made on the 15 of April two thousand and nineteen by the ROTHER DISTRICT COUNCIL (HEREINAFTER CALLED "The Council").

- 1 WHEREAS following insufficient nominations to Rye Foreign Parish Council, one councillor is 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 person to act as Member of Rye Foreign 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.

RYE FOREIGN PARISH COUNCIL

(insert one name)

THE COMMON SEAL of)
ROTHER DISTRICT COUNCIL)
was hereunto affixed this 15 day of)
April two thousand and nineteen)
in the presence of:)

Councillor Angharad Davies,
East Sussex County
Councillor for the Rye Foreign
and Northern Rother Division

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Executive Director