



Northumberland

County Council

CABINET

DATE: 14TH JANUARY 2020

Local Government Act 1972 - section 91

Sandhoe Parish Council

Report of Legal Services Manager

Cabinet Member: Cllr N. Oliver, Corporate Services

Purpose of report

To seek Cabinet's agreement to appoint Councillor Nicholas Oliver to Sandhoe Parish Council for the sole purpose of enabling the parish council to appoint to the vacancies currently on the authority

Recommendation

To (i) agree to appoint Councillor Nicholas Oliver to Sandhoe Parish Council by order under section 91 of the Local Government Act 1974 for the sole purpose of enabling the parish council to appoint, as far as they are able, to the vacancies on the authority at present and (ii) to agree to delegate the power under section 91 of the 1974 Act to appoint members in this manner to the Chief Executive in respect of any future requirements in this regard.

Link to Corporate Plan

This report is relevant to the “We want to be efficient, open and work for everyone” priority included in the NCC Corporate Plan 2018-2021

Key issues

These are as set out in the brief background report

Background

Following two recent resignations from Sandhoe Parish Council in October and November of last year and a failure to obtain sufficient requests for a by-election, following the posting of the requisite notice in November of last year, by which to fill the resultant vacancies, the parish council is currently inquorate, now comprising only two members out of a possible five, and unable to make any decisions including setting the authority’s precept for the next financial year.

The County Council have the power under section 91 of the Local Government Act 1972 to appoint, by order on a temporary basis, persons to fill all or any of the vacancies on a parish council to enable the parish to appoint to those vacancies by co-option and to resume business.

The minimum quorum of members for Sandhoe Parish Council is three in which case it is necessary only to appoint one person in addition to the current two members to meet the quorum requirement. It is understood that there is at least one person, and possibly another, willing to act as co-opted councillors for the remaining term of the current Council. It is recommended that Councillor Oliver, as the local County Council member for Sandhoe Parish, be considered for appointment to the parish council under section 91 of the 1972 Act.

Implications

Policy	None significant
Finance and value for money	N/A
Legal	These are as set out in the report
Procurement	N/A
Human Resources	N/A
Property	N/A
Equalities (Impact Assessment attached)	None significant

Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	
Risk Assessment	There are no identified risks associated with this report
Crime & Disorder	N/A
Customer Consideration	N/A
Carbon reduction	N/A
Wards	All

Background papers:

Local Government Act 1972, section 91

Report sign off.

	initials
Monitoring Officer/Legal	LH
Executive Director of Finance & S151 Officer	CH
Relevant Executive Director	KA
Chief Executive	DL
Portfolio Holder(s)	N/A

Author and Contact Details

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