


7 December 2023

Report of	Head of Governance and Monitoring Officer	Author	Andrew Weavers  282213
Title	Appointment of Temporary Parish Councillors		
Wards affected	Rural North		

1. Executive Summary

- 1.1 The purpose of this report is to make an Order under Section 91 of the Local Government Act 1972 to appoint temporary Parish Councillors to Wakes Colne Parish Council.

2. Recommended Decisions

- 2.1 To make the Order attached at Appendix 1 to appoint temporary Parish Councillors to Wakes Colne Parish Council to ensure that the Parish Council is quorate and can continue to act.

3. Background Information

- 3.1 A Town or Parish Council must be quorate in order to operate. A quorate is defined as being one third of its membership, but no less than three.
- 3.3 Wakes Colne Parish Council comprises seven councillors. Parish Council elections were due to be held on 4 May 2023. Only four nominations were received and were accordingly deemed elected with three vacancies remaining to which the Parish Council could co-opt. In the last week three of the newly elected councillors resigned thereby making the Parish Council inquorate. At the point a Parish Council becomes inquorate, it is unable to hold meetings and make any decisions on the business of the Parish Council. In such circumstances the City Council in accordance with Section 91 of the Local Government Act 1972 can appoint individuals to act as Parish Councillors, until or unless the Parish Council has held an election or co-opted sufficient Councillors on to the Parish Council in order for it to be quorate.
- 3.4 It is usual practice in these circumstances for the District Council concerned to appoint the ward councillors for the area in which the Parish Council is situated. In this instance Wakes Colne is within the Rural North ward and the three Councillors from that ward have agreed to act on a temporary basis. Section 91(1) of the Local Government Act 1972 requires the City Council to make a formal Order which is attached to this report at Appendix 1 and also to inform the Secretary of State of the appointments.

5. Publicity Considerations

- 5.1 The appointment of the temporary councillors will be notified to the Parish Council who accordingly publicise the appointments.

6. Strategic Plan, Consultation, Financial, Community Safety, Health and Safety, Risk Management, Equality, Diversity, Human Rights and Environment and Sustainability Implications

- 6.1 No direct implications.

**Order made under Section 91(1) of Local Government Act 1972
Wakes Colne Parish Council (Temporary Appointment of Members) Order 2023**

THIS ORDER is made the day of two thousand and twenty-three by
COLCHESTER CITY COUNCIL of Town hall, High Street, Colchester CO1 1FR (“the City
Council”)

WHEREAS:

- (a) Following the resignation of three members to Wakes Colne Parish Council, three councillors are required to give a minimum number required for a quorum.
- (b) Under section 91(1) of the Local Government Act 1972 where there are so many vacancies in the office of Parish Councillor that the Parish Council is no longer able to act Colchester City Council may, by order, appoint persons to fill all or any of the vacancies until other councillors are elected to take office.

Now in pursuance of the power conferred upon it by Section 91(1) of the Local Government Act 1972 the City Council hereby appoints the following persons to act as Members of Wakes Colne Parish Council until an election has been held and to fill such vacancies as shall constitute and re-establish a quorum in the respective Parish Council whereupon such appointments and this Order shall cease.

1. Darius Laws c/o Town Hall, High Street, Colchester, CO1 1FR
2. Thomas Rowe c/o Town Hall, High Street, Colchester, CO1 1FR
3. William Sunnucks c/o Town Hall, High Street, Colchester, CO1 1FR

The Common Seal of
Colchester City Council
was hereunto affixed in the presence of:

Authorised Signatory