

DARTFORD BOROUGH COUNCIL

PROCEDURE FOR MAKING TEMPORARY APPOINTMENTS TO INQUORATE PARISH/TOWN COUNCILS

1. There are occasions where due to resignations, death, disqualification, non-attendance at meetings or lack of applications for casual vacancies, a Parish/Town Council is unable to act because it is inquorate.

The inability to act will extend to making all decisions, including the co-option of sufficient Parish/Town Councillors to fill vacancies.

2. A Parish/Town Council must be quorate in order to act and make decisions. A quorum is defined as being one third of the Parish/Town Council's membership, but not less than three<sup>1</sup> councillors present at a meeting.
3. Where there are so many vacancies in the office of Parish/Town Councillor that the Parish/Town Council is unable to act, the Proper Officer is authorised by section 39(4)(b)(i) of the Representation of the People Act 1983 (as amended), to make temporary appointments to fill all or any of the vacancies until Parish/Town councillors are elected or co-opted and take up office. This will ensure that the Parish/Town Council is quorate and can progress business and operate lawfully.

The process of appointment is by Order<sup>2</sup>, under the common seal of the Borough Council and submitted to the Secretary of State.

4. The Proper Officer for any decisions of the Borough Council arising from this Procedure will be the Chief Officer and Director of Corporate Services.
5. **The process:**
  - (a) The Clerk to the Parish/Town Council notifies the Proper Officer that the Parish/Town Council is unable to act, due to being inquorate.
  - (b) The Borough Council's Electoral Services Manager verifies the number of seats on the Parish/Town Council and confirms that it is inquorate.
  - (c) The Electoral Services Manager identifies the number of appointments required in order for the Parish/Town Council to be quorate.
  - (d) Borough Council members in the ward in which the Parish/Town Council is located, and/or County division members, will be offered the opportunity to be temporarily appointed to the Parish/Town Council, until the vacancy(ies) is/are filled by election or co-option. Where there are no Borough Council ward/County division members, the representatives from neighbouring wards/divisions, will be offered the opportunity to be appointed.
  - (e) The Proper Officer is authorised to nominate and make temporary appointments, following consultation with Group Leaders.
  - (f) Temporary appointments will end once sufficient Parish/Town Councillors are elected or co-opted to the Parish/Town Council. Given that temporary appointees do not accept office and therefore cannot resign, the Proper Officer will, after an election or co-option, confirm in writing to the Clerk to the Parish/Town Council, that the temporary

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<sup>1</sup> Paragraph 12 of Part II of Schedule 12 to the Local Government Act 1972 (as amended)

<sup>2</sup> Section 91(1) Local Government Act 1972(as amended)

appointments have ceased.

- (g) In accordance with section 91(3) of the Local Government Act 1972 (as amended) and Section 39(4) of the Representation of the People Act 1983 (as amended), the Proper Officer will send two sealed copies of the Order to the Secretary of State, under copy to the Parish/Town Clerk.

**6. VACANCIES AND NO QUORUM RETURN AT AN ORDINARY ELECTION**

The process detailed in section 7 of the Procedure for Filling Parish/Town Councillor Vacancies Following an Ordinary Election will apply.

**7. VACANCIES WITHIN SIX [6] MONTHS OF THE NEXT ORDINARY ELECTION (PARISH/TOWN COUNCIL QUORATE)**

If a parish/town casual vacancies occur within six [6] months of the next ordinary election, when parish/town councillors would have retired, and the Parish/Town Council is quorate, the process detailed in section 8 of the Procedure for Filling Parish/Town Councillor Vacancies Following an Ordinary Election will apply.

**8. VACANCIES WITHIN SIX [6] MONTHS OF THE NEXT ORDINARY ELECTION (PARISH/TOWN COUNCIL INQUORATE)**

If a parish/town casual vacancies occur within six [6] months of the next ordinary election, when parish/town councillors would have retired, and the Parish/Town Council is inquorate, the process in section 9 of the Procedure for Filling Parish/Town Councillor Vacancies Following an Ordinary Election will apply.