

To: Members of the County Council

Date: 17 May 2017

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Dear Councillor

I refer to this agenda for the meeting of the **COUNTY COUNCIL** to be held at **10.00 am** on **TUESDAY, 23 MAY 2017** in **COUNCIL CHAMBER, COUNTY HALL, RUTHIN LL15 1YN** and enclose the following report(s).

**Agenda Item
No**

**14 TEMPORARY APPOINTMENT OF MEMBER TO BODELWYDDAN TOWN
COUNCIL (Pages 3 - 6)**

Yours sincerely

G Williams
Head of Legal and Democratic Services

MEMBERSHIP

Councillors

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Brian Blakeley
Joan Butterfield
Jeanette Chamberlain-Jones
Ellie Chard
Ann Davies
Gareth Davies
Meirick Davies
Hugh Evans
Peter Evans
Bobby Feeley
Rachel Flynn
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Report To:	Council
Date of Meeting:	23 rd May 2017
Lead Member / Officer:	Gary Williams, Head of Legal, HR and Democratic Services
Report Author:	Gary Williams
Title:	Temporary appointment of member to Bodelwyddan Town Council

1. What is the report about?

The report is about the temporary appointment of a member to Bodelwyddan Town Council (the Town Council)

2. What is the reason for making this report?

The Town Council has an insufficient number of members following the recent local government elections for it to be able to lawfully act and make decisions. The County Council has the power to make a temporary appointment to the Town Council to enable it to act lawfully

3. What are the Recommendations?

That Council authorise the making of an Order pursuant to s91 Local Government Act 1972 for the temporary appointment of Cllr Richard Mainon to Bodelwyddan Town Council to enable the Town Council to act lawfully on the terms set out in the draft order attached as Appendix 1 to this report.

4. Report details

The Town Council consists of 12 seats. The quorum for the Town Council to be able to act lawfully is 4.

In the recent local government elections, there were 4 nominations received by the close of nominations. There was no need for a contest given that the number of those nominated was less than the number of available seats. The four nominees were duly elected.

Following the election, one of those elected indicated that he would not be able to take up the seat on the Town Council and has not signed a declaration of acceptance of office. This means that the Town Council has a membership of 3 and cannot therefore lawfully act or take decisions.

s91 Local Government Act 1972 provides that where there are so many vacancies on a town or community council that it cannot lawfully act, a County Council may by order

appoint persons to fill all or any of the vacancies until other councillors are elected or co-opted and take office.

5. How does the decision contribute to the Corporate Priorities?

The decision does not contribute directly to the corporate priorities.

6. What will it cost and how will it affect other services?

There are no costs directly associated with the decision. It will assist other services to have a lawfully functioning Town Council with which to consult and engage in respect of certain functions

7. What are the main conclusions of the Well-being Impact Assessment? The completed Well-being Impact Assessment report can be downloaded from the [website](#) and should be attached as an appendix to the report

A well-being assessment is not required for this report.

8. What consultations have been carried out with Scrutiny and others?

Scrutiny has not been consulted in respect of this decision. The Clerk to the Town Council and the local member have been consulted and are in favour of this course of action.

9. Chief Finance Officer Statement

There are no direct additional costs to the council associated with making the temporary appointment

10. What risks are there and is there anything we can do to reduce them?

There is a risk that if the Council does not make this appointment that the Town Council will be unable to act lawfully to co-opt additional members or to carry out any of its statutory functions

11. Power to make the Decision

S91 Local Government Act 1972

Order Made Under Section 91(1) Local Government Act 1972
Bodelwyddan Town Council (Temporary Appointment of Member) Order 2017

THIS ORDER is made on the 23rd day of May 2017 by Denbighshire County Council (“the County Council”).

1. WHEREAS following the recent decision of a person elected to Bodelwyddan Town Council (“the Town Council”) not to take up the office of Councillor, one Councillor is needed to give a minimum number required for a quorum.
2. Under Section 91 Local Government Act 1972, where there are so many vacancies in the office of Town Councillor that the Town Council is no longer able to act, the County Council may, by order, appoint a person or persons to fill all or any of the vacancies until other Councillors are co-opted or elected to take office.

NOW in pursuance of the Power conferred upon it by Section 91(1) Local Government Act 1972, the County Council hereby appoints the following person to act as a Member of Bodelwyddan Town Council until an election has been held or new Councillors have been co-opted to fill such vacancies as shall constitute and re-establish a quorum on the Parish Council whereupon such appointment and this Order shall cease:

- **Councillor Richard Mainon** (Councillor for Bodelwyddan Ward)

The COMMON SEAL of Denbighshire County Council was hereunto affixed in the presence of:

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Authorised Signatory

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