

To: Chair and Members of the County Council

Date: 18 May 2022

Direct Dial: 01824706141

e-mail: democratic@denbighshire.gov.uk

Dear Councillor

I refer to this agenda for the meeting of the **COUNTY COUNCIL** to be held at **10.00 am** on **TUESDAY, 24 MAY 2022** in **THE COUNCIL CHAMBER, COUNTY HALL, RUTHIN AND VIA VIDEO CONFERENCE** and enclose the following report(s).

Temporary appointment of members to Community Councils
--

Yours sincerely

G Williams
Head of Legal, HR and Democratic Services

MEMBERSHIP

Councillors

Brian Blakeley
Joan Butterfield
Jeanette Chamberlain-Jones
Ellie Chard
Kelly Clewett
Ann Davies
Karen Edwards
Pauline Edwards
Gwyneth Ellis
James Elson
Chris Evans
Hugh Evans
Justine Evans
Bobby Feeley
Gill German
Jon Harland
Elen Heaton
Huw Hilditch-Roberts
Martyn Hogg
Carol Holliday

Paul Keddie
Diane King
Geraint Lloyd-Williams
Julie Matthews
Jason McLellan
Barry Mellor
Terry Mendies
Raj Metri
Win Mullen-James
Merfyn Parry
Pete Prendergast
Arwel Roberts
Gareth Sandilands
Peter Scott
Rhys Thomas
Andrea Tomlin
Michelle Walker
Cheryl Williams
David Williams
Elfed Williams

Alan Hughes
Hugh Irving
Alan James
Delyth Jones

Eryl Williams
Huw Williams
Emrys Wynne
Mark Young

COPIES TO:

All Councillors for information
Press and Libraries
Town and Community Councils

Report to	Council
Date of meeting	24 th May 2022
Lead Member / Officer	Gary Williams, Head of Legal, HR and Democratic Services
Report author	Gary Williams, Head of Legal, HR and Democratic Services
Title	Temporary appointment of members to Community Councils

1. What is the report about?

1.1. The report is about the temporary appointment of members to Bodfari Community Council and Cynwyd Community Council ('the Community Councils')

2. What is the reason for making this report?

2.1. Both of the Community Councils have an insufficient number of members following the recent local government elections for them to be able to lawfully act and make decisions. The County Council has the power to make temporary appointments to the Community Councils to enable them to act lawfully.

3. What are the Recommendations?

3.1. That Council authorise the making of an Order pursuant to s91 Local Government Act 1972 for the temporary appointment of Councillor Chris Evans to Bodfari Community Council to enable that Council to act lawfully on the terms set out in the draft order attached as Appendix 1 to this report.

3.2. That Council authorise the making of an Order pursuant to s91 Local Government Act 1972 for the temporary appointment of Councillors Gwyneth Ellis and Alan Hughes to Cynwyd Community Council to enable that Council to act lawfully on the terms set out in the draft order attached as Appendix 2 to this report.

4. Report details

- 4.1. 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.
- 4.2. The Bodfari Community Council consists of 7 seats. The quorum for the Community Council to be able to act lawfully is 3.
- 4.3. In the recent local government elections, there were 2 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 two nominees were duly elected. This means that the Community Council has a membership of 2 and cannot therefore lawfully act or take decisions.
- 4.4. It is therefore proposed that Councillor Chris Evans, as the local member, be appointed to sit on the Bodfari Community Council on a temporary basis in order that the process of co-option may proceed and additional members can be appointed.
- 4.5. Cynwyd Community Council consists of 9 seats. The quorum for the Community Council to act lawfully is 3.
- 4.6. In the recent local government elections, there was only one nomination 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 one nominee was duly elected. This means that the Community Council has only one member and cannot act lawfully or take decisions.
- 4.7. It is therefore proposed that County Councillors Gwyneth Ellis and Alan Hughes, as the local members, be appointed to sit on the Cynwyd Community Council on a temporary basis in order that the process of co-option may proceed and additional members can be appointed.

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

5.1. The decision does not contribute directly to the corporate priorities.

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

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

7. What are the main conclusions of the Well-being Impact Assessment?

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

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

8.1. Scrutiny has not been consulted in respect of this decision. The Clerks to the Community Councils and the relevant local members have been consulted and are in favour of this course of action.

9. Chief Finance Officer Statement

9.1. There are no direct additional costs to the council associated with making the temporary appointments.

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

10.1. There is a risk that if these appointments are not made, the Community Councils will be unable to act lawfully to co-opt additional members and to carry out their statutory functions.

11. Power to make the decision

11.1. s91 Local Government Act 1972

This page is intentionally left blank

**Order Made Under Section 91(1) Local Government Act 1972 Bodfari Community Council
(Temporary Appointment of Member) Order 2022**

THIS ORDER is made on the 24th day of May 2022 by Denbighshire County Council ('the County Council').

1. WHEREAS following the recent local government elections the number of persons elected to the Bodfari Community Council ('the Community Council') was two, one additional Community 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 Community Councillor that the Community 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 Community 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 Bodfari Community Council until new Councillors have been co-opted to fill such vacancies as shall constitute and re-establish a quorum on the Community Council whereupon such appointment and this Order shall cease:

- Councillor Chris Evans (Councillor for Tremeirchion Ward)

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

..... Authorised Signatory

This page is intentionally left blank

**Order Made Under Section 91(1) Local Government Act 1972 Cynwyd Community Council
(Temporary Appointment of Member) Order 2022**

THIS ORDER is made on the 24th day of May 2022 by Denbighshire County Council ('the County Council').

1. WHEREAS following the recent local government elections the number of persons elected to the Cynwyd Community Council ('the Community Council') was one, two additional Community Councillor are 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 Community Councillor that the Community 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 Community 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 persons to act as Members of Cynwyd Community Council until new Councillors have been co-opted to fill such vacancies as shall constitute and re-establish a quorum on the Community Council whereupon such appointment and this Order shall cease:

- Councillor Gwyneth Ellis (Councillor for Edeirnion Ward)
- Councillor Alan Hughes (Councillor for Edeirnion Ward)

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

..... Authorised Signatory

This page is intentionally left blank