

Temporary Appointments to Parish Councils

Report of the Monitoring Officer



Date: 11 July 2023
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Key Decision? No
Local Ward All
Members

Council

1. Executive Summary

- 1.1 A Parish Council must be quorate in order to operate and make decisions. A quorum for parish councils is defined as being one third of its membership, but not less than three.
- 1.2 Circumstances can arise where a parish council becomes inquorate and unable to act. The inability to operate will extend to making all decisions including the co-option of sufficient councillors to fill vacancies.
- 1.3 This situation currently exists at one Parish Council in the District (Fradley Parish Council) where a resignation resulted in the Council becoming inquorate immediately prior to the co-option of additional members. As a consequence the Council is no longer able to conduct business.
- 1.4 Section 91 of the Local Government Act 1972 (as amended) allows a Council to appoint a sufficient number of Parish Councillors on a temporary basis, to enable the work of the Parish Council to continue until it has co-opted or elected sufficient councillors to be quorate.
- 1.5 Approval is therefore sought for a procedure to make appointments to inquorate parish councils under section 91 of the Local Government Act 1972.

2. Recommendations

- 2.1 That the procedure set out below for making temporary appointments to Parish Councils in accordance with section 91 of the Local Government Act 1972 be approved.
- 2.2 That authority be delegated to the Monitoring Officer in consultation with Group Leaders to make appointments by Order under section 91 of the Local Government Act 1972 (as amended) and that the constitution be amended accordingly.

3. Background

- 3.1 In situations where a Parish Council has so many vacancies that it is unable to act, legislation provides for the district council, by order, to appoint persons to fill all or any of the vacancies until other councillors are elected and take up office.

3.2 Section 91 of the LGA 1972 (as amended) provides that a District Council can make temporary appointments to a Parish Council. In addition Section 39(4)(ii) of the Representation of People Act 1983 enables the Council to *'by order make any appointment or do anything which appears to them necessary or expedient for the holding of such an election or meeting and properly constituting the council'*.

3.2 It is proposed that the following procedure for making temporary appointments is adopted:

1. The Parish Clerk advises the Council that the parish council is unable to operate due to being inquorate.
2. The Governance team verifies the number of seats on the parish council and confirms that it is inquorate. The Governance team will also identify the number of appointments required for it to become quorate.
3. The Monitoring Officer in consultation with Group Leaders will be authorised to make appointments by Order under Section 91(1) of the Local Government Act 1972. The appointment will be to enable the Parish Council to undertake urgent business only and the appointee will not take part in the determination of other matters.
4. The appointment will only be until such time as the vacancies are filled by co-option or election.
5. In accordance with Section 91(3) of the Local Government act 1972 two copies of the Order will be forwarded to the Secretary of State. A copy for information will also be sent to the Clerk to the Parish Council.
6. The Order will stipulate the names of the persons appointed and the latest date their appointment will expire.

Alternative Options	<ol style="list-style-type: none"> 1. That the Council decides not to agree a procedure for making temporary appointments to Parish Councils. In this situation Parish Councils will be unable to transact any business. 2. That the Council may under section 39 of the Representation of People Act 1983 direct the holding of an election. This would however incur a cost to the Parish.
Consultation	1. Consultation has taken place with other local authorities
Financial Implications	1. There are no additional financial implications.
Approved by Section 151 Officer	Yes
Legal Implications	1. The procedure is designed to comply with section 91 of the Local Government Act 1972
Approved by Monitoring Officer	Yes
Contribution to the Delivery of the	1. By enabling Parish Councils to continue function the proposal will contribute towards the following strategic objectives of enabling engagement.

Strategic Plan	
Equality, Diversity and Human Rights Implications	1. None
Approved by Equalities Officer	N/A
Crime & Safety Issues	1. None
Environmental Impact (including Climate Change and Biodiversity).	1. None
GDPR / Privacy Impact Assessment	1. None

	Risk Description & Risk Owner	Original Score (RYG)	How We Manage It	Current Score (RYG)
A	Due to resignations parish council's become unable to transact business and function	Likelihood: Yellow Impact: Red	Adopt the procedure outlined in the report	Likelihood: Yellow Impact: Yellow
B	The measure adds to the appointees work loads and becomes unsustainable.	Likelihood: Yellow Impact: Yellow	Appointments will be for the minimum time practical to enable co-options or an election to be called.	Likelihood: Green Impact: Green

	Background documents
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	Relevant web links
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