



Report to Standards and General Purposes Committee

Date: 2 July 2020

Reference number: TBC

Title: Inquorate Parish Councils– Procedure for Appointing Temporary Members

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Ward(s) affected: none specific

Recommendations: The committee is asked to:-

- 1. Confirm the adoption of the procedure set out in Appendix 1 for making appointments to inquorate parish councils under section 91 of the Local Government Act 1972**
- 2. Note the making of an order under section 91 of the Local Government Act 1972 on 13 May 2020 to appoint Parish Councillors to Kingsbrook Parish Council and receive an update on the position at Kingsbrook Parish Council.**

Reason for decision: The confirmation of the adoption of the Procedure will ensure that Buckinghamshire Council can continue to respond to situations where parish councils become inquorate and enable this tier of local government to continue to function effectively and to receive an update of the use of the Procedure.

Executive summary

- 1.1** This report seeks confirmation of the Procedure setting out how Buckinghamshire Council will carry out its powers to appoint temporary members to inquorate parish councils. This includes authority for the Service Director Legal and Democratic to make Orders under the legislation.

Content of report

- 1.2 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.
- 1.3 There are occasions where due to resignations or lack of applications for vacancies at an election, a parish council is unable to operate because it is inquorate. The inability to operate will extend to making all decisions including the co-option of sufficient councillors to fill vacancies.
- 1.4 Under section 91 of the Local Government Act 1972 the Council has power to make an Order appointing temporary members to a parish council where, due to the number of vacancies, the council cannot function. The exercise of functions in relation to parish councils has been delegated to the Standard and General Purposes Committee.
- 1.5 The appointees will usually be appointed from the ward members of the principal authority and it is good administrative practise to adopt a procedure for delegating these appointments and the making of the necessary Order to a senior officer, so they can be made promptly where necessary.
- 1.6 It was necessary for Cabinet to adopt a procedure and authorise the Deputy Chief Executive to make such an Order in relation to Kingsbrook Parish Council as detailed below. Accordingly, it is recommended that the procedure at Appendix 1 to make orders under section 91 is confirmed.

Kingsbrook

- 1.7 Under the Aylesbury Vale (Community Governance Review) Order 2020 a new parish of Kingsbrook was established with effect from 7 May 2020, the date the local elections were to be held in May 2020. However, due to the emergency measures introduced following the outbreak of coronavirus, those local elections were postponed until May 2021. This left Kingsbrook Parish Council inquorate and unable to function.
 - 1.8 In order to enable Kingsbrook Parish Council to start operating, at the Cabinet meeting on 21 April 2020, Cabinet approved the procedure set out at Appendix 1 and authorised the Deputy Chief Executive to make an Order under section 91 to appoint a sufficient number of parish councillors on a temporary basis to enable Kingsbrook Parish Council to start operating.
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- 1.9 On 13 May 2020 an Order under section 91 was made, a copy of which is attached as Appendix 2. The first meeting of Kingsbrook Parish Council was arranged and a co-option process commenced.
- 1.10 The first meeting took place on 18 June 2020 and 5 members were co-opted. The appointments under the section 91 Order have therefore now ceased and the co-opted members can now sit and make decisions as the new Parish Council which will include the co-option of 4 further members.

Other options considered

- 1.11 The option of reporting each occasion where an Order under section 91 is necessary to this Committee for a decision has been considered. Due to the frequency of committee meetings this could however cause delay in ensuring that parish councils can continue to operate after becoming inquorate, as would have been the case with Kingsbrook Parish Council. As the appointment of temporary members can be delegated to officers in consultation with Group Leaders this will ensure member involvement in the process.

Legal and financial implications

- 1.12 This report relates to a statutory power in the Local Government Act 1972 which, when exercised, results in the making of an Order. A copy of any such Order made must be sent to the Secretary of State for Housing, Communities and Local Government.
- 1.13 There will be a cost in officer time in dealing with Orders which need to be advertised, as well as convening initial meetings of parish councils. These will be met from the budgets of the parish councils concerned where appropriate or from within existing Democratic Services budgets.

Corporate implications

- 1.14 The Procedure and any Orders made will help to support local councils to continue to operate and provide services to their local communities.

Consultation and communication

- 1.15 The Procedure incorporates consultation with Group Leaders on the appointment of temporary councillors.



Next steps and review

If confirmed the Procedure will continue to be used to appoint temporary members where there is an inquorate Parish Council to ensure it can continue to operate and provide services to local communities.

Background papers

Aylesbury Vale (Community Governance Review) Order 2020

Cabinet meeting of 21 April 2020

<https://buckinghamshire.moderngov.co.uk/ieListDocuments.aspx?CId=337&MId=547&Ver=4>

Your questions and views (for key decisions)

If you have any questions about the matters contained in this report please get in touch with the author of this report. If you have any views that you would like the cabinet member to consider please inform the democratic services team. This can be done by telephone 01296 382343 or email democracy@buckinghamshire.gov.uk

