



Report to Cabinet

Date: 21 April 2020

Title: Inquorate Parish Councils– Procedure for Appointing Temporary Members

Relevant councillor(s): Martin Tett

Author and/or contact officer: Joanna Swift, Head of Legal Services (CSB Team)

joanna.swift@buckinghamshire.gov.uk; 01296 732761;

Ward(s) affected: Berton

Recommendations: That Buckinghamshire Council :-

- 1. Approve the procedure set out in Appendix 1 for making appointments to inquorate parish councils under section 91 of the Local Government Act 1972**
- 2. Authorise the Deputy Chief Executive in consultation with the Group Leaders to make the Order attached at Appendix 2 to appoint Parish Councillors to Kingsbrook Parish Council to enable it to operate.**

Reason for decision: The adoption of the Procedure will ensure that Buckinghamshire Council can respond to situations where parish councils become inquorate and enable this tier of local government to continue to function effectively. The proposed Order for the newly established Kingsbrook Parish Council will enable it to operate following the postponement of the local elections on 7 May 2020.

Executive summary

- 1.1** This report seeks approval to a Procedure setting out how Buckinghamshire Council will carry out its powers to appoint temporary members to inquorate parish councils and authority for the Deputy Chief Executive to make such an Order for Kingsbrook Parish Council.

Content of report

- 1.2** A Parish Council must be quorate in order to operate. 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. 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 appointees will usually be the local district, county or unitary wards members 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. Accordingly, the procedure set out at Appendix 1 authorising the Service Director Legal & Democratic Services to make an Order in consultation with Group Leaders, is recommended for approval

Kingsbrook

- 1.4 A new parish of Kingsbrook was established by the Aylesbury Vale (Community Governance Review) Order 2020 with effect from the date of the local elections in May 2020. However, due to the emergency measures introduced following the outbreak of coronavirus, the local elections have been postponed until May 2021 leaving the parish council inquorate and unable to function. For example, one of the Parish Council's first actions would have been to recruit a parish Clerk.
- 1.5 In the circumstances the Council can act under section 91 to appoint a sufficient number of parish councillors on a temporary basis to enable the parish council to start operating, until it has co-opted or elected (should bye-elections be allowed once coronavirus restrictions are eased) sufficient councillors to be quorate. Accordingly, it is recommended that the Deputy Chief Executive, in consultation with the Group Leaders, be authorised to make an Order in the form attached at Appendix 2 to appoint parish councillors at Kingsbrook.

Other options considered

- 1.6 The option of reporting each occasion where an Order under section 91 is necessary to the Standards and General Purposes Committee for a decision has been considered but due to the frequency of committee meetings this could cause delay in ensuring that parish councils can continue to operate after becoming inquorate. As the appointment of temporary members can be delegated to officers in consultation with Group Leaders this will ensure member involvement in the process. If an Order was not made for Kingsbrook this newly established parish council would be unable to operate until after the postponed local elections in May 2021. This delay was not considered to be acceptable.

Legal and financial implications

- 1.7 This report relates to a statutory power in the Local Government Act which is exercisable the making of an Order. A copy of the all Order made must be sent to the Secretary of State for Housing, Communities and Local Government.
- 1.8 A precept calculated on £35 per Band D property was agreed for the Kingsbrook Parish Council for financial year 2020/21 together with a tax base of 625.5. This means that a total of £21,892.50 will be levied. 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

- 1.9 The proposed Procedure and Order for Kingsbrook Parish Council will help to support local councils to continue to operate and provide services to their local communities.

Consultation and communication

- 1.10 If approved the Procedure will involve consultation with Group Leaders on the appointment of temporary councillors.

Next steps and review

If agreed the procedure will be used to appoint temporary members to the new Kingsbrook Parish Council established by the Aylesbury Vale (Community Governance Review) Order 2020.

Background papers

Aylesbury Vale (Community Governance Review) Order 2020

Shadow Executive meeting of 7 January 2020

<https://buckinghamshire.moderngov.co.uk/ieListDocuments.aspx?CId=136&MId=136&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