



## Inquorate Parish Council

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<b>Lead Member/Relevant Portfolio Holder</b>	N/A as report of <b>Monitoring Officer</b>
<b>Corporate Priority:</b>	All
<b>Relevant Ward Member(s):</b>	N/A
<b>Date of consultation with Ward Member(s):</b>	N/A
<b>Exempt Information:</b>	No

### 1 Summary

- 1.1 To seek Council's authority to make an order under Section 91 of the Local Government Act 1972, appointing named persons to be Parish Councillors on an interim basis.
- 1.2 To seek delegated authority to make such orders under Section 91 of the Local Government Act 1972 and adopt a procedure for making temporary appointments to inquorate Parish Councils.

### 2 Recommendation(s)

**That Council:**

- 2.1 Approve the Order attached at Appendix A, to appoint temporary Parish Councillors to Garthorpe and Coston Parish Council, so that the Parish Council is quorate and can continue to operate;
- 2.2 Delegate authority to the Returning Officer, in consultation with the relevant Ward Member(s) and Parish Clerk, to make such orders under Section 91 of the Local

Government Act 1972, should a similar situation arise in the future in respect of any Parish Council in the Borough area;

- 2.3 Authorise the Monitoring Officer to make the relevant updates to the Scheme of Delegation, subject to approval of the delegation at 2.2 above; and
- 2.4 Adopt the procedure set out at Appendix B which shall be used by the Returning Officer when exercising the delegation set out above.

### **3 Reason for Recommendations**

- 3.1 The Order to appoint a temporary Parish Councillor to Garthorpe and Coston Parish Council will mean that they can continue to operate.
- 3.2 The Constitution does not currently include a delegation to address the issue of an inquorate Parish Council. The proposed delegation will avoid any delay in making an order under Section 91 of the LGA 1972 in the future and ensure that any Parish Council's which become inquorate are able to continue to operate.
- 3.3 Adoption of the procedure will increase certainty and clarity.

### **4 Background**

- 4.1 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 3.
- 4.2 Subsequent to the deadline for nominations for the Parish elections held on the 4th May there were not enough validly nominated candidates to fill the five vacancies for the Parish of Garthorpe and Coston. There were just two valid nominations submitted by candidates who were declared elected without a contest, thereby rendering Garthorpe Parish Council inquorate.
- 4.3 In order to fill the remaining three vacant seats, a timetable for a By-election was prepared and the Notice of Election was published on 17 May 2023. Subsequent to the deadline for nominations, no nominations papers were submitted and therefore the Parish Council remained inquorate.

### **5 Main Considerations**

- 5.1 Section 91 of the Local Government Act 1972 gives principal councils the power (not duty) to make an order appointing temporary members to a Parish Council where, due to the number of vacancies, the council cannot function.
- 5.2 Under the Constitution there is currently no delegated powers for an Officer of Melton Borough Council to appoint interim Councillors to inquorate Parish Councils, therefore the responsibility lies with Council.
- 5.3 It is good practice to adopt a procedure for delegating these appointments and the making of the necessary Order so that they can be made promptly when necessary.
- 5.4 Appointees are usually appointed from the Ward Members of the Principal Authority.
- 5.5 The Parish of Garthorpe falls within the Borough Ward of Wymondham. The relevant Ward Councillor is Councillor Malise Graham. Councillor Graham has been consulted to ascertain his willingness to be appointed to the Parish Council on a temporary basis.

5.6 Two copies of a Section 91 Order must be sent to the Secretary of State, but there is no requirement that it be confirmed by the Secretary of State. The draft Section 91 Order is set out at Appendix A.

5.7 The appointment will end once sufficient members are elected or co-opted to the Parish Council.

## **6 Options Considered**

6.1 Unless Melton Borough Council appoint a temporary member to Garthorpe and Coston Parish Council it will remain inquorate and will be unable to operate and make decisions.

6.2 Continue reporting any such future cases to Council for approval of temporary appointments – it is considered that would lead to unnecessary delay.

## **7 Consultation**

7.1 Consultation has taken place with the Ward Member, Councillor Malise Graham and the Clerk for Garthorpe and Coston Parish Council.

## **8 Next Steps – Implementation and Communication**

8.1 Subject to approval two copies of the Order set out at Appendix A will be signed and sealed and sent to the Secretary of State.

8.2 Subject to approval of the delegation at recommendation 2.2, the Scheme of Delegation in the Constitution will be updated.

## **9 Financial Implications**

9.1 There are no financial implications associated with this report.

**Financial Implications reviewed by: Director for Corporate services**

## **10 Legal and Governance Implications**

10.1 Schedule 12, paragraph 12 of the Local Government Act 1972 provides that no business is to be transacted at a meeting of a parish council unless at least one-third of the whole number of members of the council are present at the meeting, but in no case shall the quorum of a parish council be less than three members.

10.2 Section 91 of the Local Government Act 1972 gives principal councils the power to make temporary appointments to fill all or any of the vacancies until sufficient parish councillors are elected and take up office.

**Legal Implications reviewed by: Interim Assistant Director for Governance & Democracy**

## **11 Equality and Safeguarding Implications**

11.1 An Equality Impact Assessment (EqIA) has not been completed because there are no service, policy or organisational changes being proposed.

## **12 Community Safety Implications**

12.1 There are no community safety implications.

## **13 Environmental and Climate Change Implications**

13.1 There are no environmental or climate change implications.

## 14 Risk & Mitigation

Risk No	Risk Description	Likelihood	Impact	Risk
1	If the temporary appointment is not made the Parish Council will remain inquorate and unable to operate	Very High	Critical	High Risk

		Impact / Consequences			
		Negligible	Marginal	Critical	Catastrophic
Likelihood	Score/ definition	1	2	3	4
	6 Very High				
	5 High			1	
	4 Significant				
	3 Low				
	2 Very Low				
	1 Almost impossible				

Risk No	Mitigation
1	The Council is recommended to approve the Order

## 15 Background Papers

None

## 16 Appendices

16.1 Appendix A – Draft Order under Section 91 Local Government Act 1972

16.2 Appendix B – Procedure for making temporary appointments to inquorate Parish Councils