



REPORT TO:	COUNCIL
DATE:	27 SEPTEMBER 2021
SUBJECT:	INQUORATE PARISH COUNCIL
KEY DECISION:	N/A
PORTFOLIO HOLDER:	COUNCILLOR NIGEL WELTON
REPORT AUTHOR:	DEMOCRATIC SERVICES DELIVERY MANAGER
WARD(S) AFFECTED:	KIRTON & FRAMPTON
EXEMPT REPORT?	NO

SUMMARY

To seek the 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. This will enable the work of the Parish Council to continue until such time as it has co-opted or elected sufficient Councillors to be quorate. Also to consider whether to delegate authority to the Returning Officer, in consultation with local Ward Member(s) and Parish Clerk, to make such orders in future, should the need arise.

RECOMMENDATIONS

1. That the Order attached at Appendix A, to appoint temporary parish Councillors to Kirton Parish Council, be approved so that the Council is quorate and can continue to operate.
2. That delegated authority be granted to the Returning Officer, in consultation with Borough Ward Member(s) for the parish affected and the 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, following the procedure set out in Appendix B.

REASONS FOR RECOMMENDATIONS

To ensure parish councils can continue to operate when inquorate.

OTHER OPTIONS CONSIDERED

Not to appoint persons on an interim basis.

REPORT

1. BACKGROUND

- 1.1 On 4th August 2021, six of the current nine members of Kirton Parish Council tendered their resignations thereby rendering the Council inquorate and unable to carry out its normal business. There are 12 seats on the Parish Council and three were already vacant.
- 1.2 Section 91 of the Local Government Act 1972 gives principal councils the power (not duty) to make temporary appointments to fill all or any of the vacancies until sufficient parish councillors are elected and take up office.
- 1.3 The quorum for Kirton Parish Council is four Members, therefore at least one person needs to be appointed as a parish councillor on an interim basis and will need to attend all meetings in order to conduct the required business.
- 1.4 Under the Constitution there are no delegated powers for an Officer of Boston Borough Council to appoint interim Councillors to inquorate parish councils, therefore the responsibility lies with Full Council.
- 1.5 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.

2. APPOINTMENTS TO KIRTON PARISH COUNCIL

- 2.1 The Borough Councillors and County Councillors for the Kirton Parish area have been approached to ascertain their interest and willingness to be appointed to Kirton Parish Council on an interim basis.
- 2.2 Ward Councillors David Brown and Nigel Welton, and County Councillors Alison Austin and Michael Brookes have agreed to act on a temporary basis until the Parish Council is once again quorate.
- 2.3 It is recommended that all of the above named Councillors be appointed to Kirton Parish Council to mitigate against potential non-attendance or declarations of conflict of interest, which could render a meeting inquorate.

3. DELEGATION AND PROCEDURE

- 3.1 To ensure temporary appointments can be made to inquorate parish councils as quickly as possible in the future, it is recommended that the Returning Officer be granted delegated authority, in consultation with the appropriate Ward Member(s) and the Clerk to the Parish Council. The latter will have particular local knowledge which may be pertinent to any appointments to be made.

3.2 Although a procedure is not strictly necessary, to avoid any doubt or dispute regarding the process or validity of any temporary appointments made, a suggested procedure has been produced and is set out in Appendix B.

FINANCIAL IMPLICATIONS

None.

LEGAL IMPLICATIONS

Under Section 91 of the Local Government Act 1972 the principal authority has the power (not duty) to appoint persons on a temporary basis to fill all or any of the vacant seats on inquorate parish councils.

RISK IMPLICATIONS

Failure to make an Order to appoint interim persons to an inquorate parish council would render the council unable to operate and conduct its business.

CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

None.

EQUALITY AND SAFEGUARDING IMPLICATIONS

None.

OTHER IMPLICATIONS

None.

CONSULTATION

Returning Officer

Monitoring Officer

Borough Ward Councillors and Lincolnshire County Councillors for the Kirton Parish area.

APPENDICES	
Appendices are listed below and attached to the back of the report: -	
APPENDIX A	Draft Section 91 Order
APPENDIX B	Procedure for making temporary appointments to inquorate parish councils.

BACKGROUND PAPERS	
Background papers used in the production of this report are listed below: -	
Document title	Where the document can be viewed
Local Government Act 1972	https://www.legislation.gov.uk/ukpga/1972/70/section/91

CHRONOLOGICAL HISTORY OF THIS REPORT
A report on this item has not been previously considered by a Council body.

REPORT APPROVAL	
Report author:	Lorraine Bush, Democratic Services Delivery Manager
Signed off by:	Michelle Sacks, Returning Officer Mark Stinson, Monitoring Officer
Approved for publication:	N/A

THIS ORDER is made on the day of 2021 by
BOSTON BOROUGH COUNCIL (“the Council”).

Kirton Parish Council is not currently functioning due to the resignation of members rendering it inquorate.

Under Section 91 of the Local Government Act 1972, where there are so many vacancies in office of parish councillor that the parish council is unable to act, the Principal Council (“the Council”) may by order appoint persons to fill all or any vacancies until other councillors are elected or co-opted and take up office.

NOW in pursuance of s91 of the Local Government Act 1972 Boston Borough Council hereby appoint the following persons to act as members of Kirton Parish Council until such time as councillors are elected or co-opted and take up office whereupon such appointments will cease.

Councillor David Brown

Councillor Nigel Welton

Lincolnshire County Councillor Alison Austin

Lincolnshire County Councillor Michael Brookes

The COMMON SEAL of Boston Borough Council was hereunto affixed in the presence of:

A duly authorised signatory

Procedure for Making Temporary Appointments to Parish Councils

This process enables Boston Borough Council to make an Order to appoint persons to Parish Councils in the Borough area in accordance with Section 91 of the Local Government Act 1972.

1. The Clerk to a Parish Council notifies Boston Borough Council that their authority is unable to operate due to being inquorate.
2. Electoral Services verifies the number of seats on that council and that it is inquorate. They also identify the minimum number of appointments required in order for the parish council to be quorate.
3. All ward members in the ward in which the parish council is located will be offered the opportunity to be appointed to the council as a temporary appointment until such time as the vacancies are filled by election or co-option. Where there are insufficient Borough ward members available for appointment to achieve a quorum, or there are more seats vacant than ward members, the relevant County division member(s) may also be approached.
4. All appointments will end once sufficient members are elected or co-opted to the parish council.
5. In the event that insufficient ward and county members are available and willing to be appointed in order to make up a quorum, the Returning Officer is authorised to appoint any other person, following consultation with the Borough ward member(s) for the parish affected and the Parish Clerk.
6. In the event that no appointments can be made, the parish council will remain inquorate until elections are held resulting in sufficient numbers of parish councillors to be quorate.
7. In accordance with Section 91 (3) of the local Government Act 1972, the Returning Officer will send two copies of the Order to the Secretary of State. This will also be copied to the Clerk.