

Central Bedfordshire Council

COUNCIL

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Local Government Act 1972 – Section 91 – Inquorate Council

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This report relates to a Non-Key Decision

Purpose of this report

1. The purpose of this report is to make an Order under Section 91 of the Local Government Act 1972.

RECOMMENDATIONS

The Council is asked to:

1. **make the Order attached at Appendix 1 to appoint Parish Councillors at Ridgmont Parish Council to ensure that the Parish Council is quorate and can continue to act.**

Overview and Scrutiny Comments/Recommendations

2. Not applicable.

Background

3. A Town or Parish Council must be quorate in order to operate. A quorate is defined as being one third of its membership, but no less than three.
4. Section 91 of the Local Government Act 1972 (as amended) allows the 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.

5. Following the elections of 7 May 2015, five Councillors of Ridgmont Parish Council (out of a possible nine) were elected. In the last fortnight four of the newly elected members have resigned making the Parish inquorate. At the point that the Parish becomes inquorate, the Parish Council is unable to hold meetings/ make decisions on the business of the Council. In such circumstances the Council can act under section 91 and appoint individuals to act as Parish Councillors, until or unless the Parish has held an election or co-opt sufficient Councillors on to the Parish. The situation is further compounded by the fact that the Parish Clerk has also very recently resigned.

Options for consideration

6. Option 1 – to adopt the recommendations in this report to deal with the current situation at Ridgmont Parish Council so that the Parish Council can continue to operate and facilitate elections or co-option of new members.
7. Option 2 – Council could choose not to appoint anyone to a parish council. However, that parish council would be unable to make any decisions due to being inquorate. It is possible that this situation could continue for some considerable time and the parish council may not be able to use its precept as a consequence. This course of action is not recommended.

Reasons for decisions

8. At present Ridgmont Parish Council is inquorate and the remaining sole councillor is unable to make any decisions and may not co-opt any councillors, even on a temporary basis.

Reason for urgency

9. The reason for urgency is that resignations from Ridgmont Parish Council took place on 15 September 2015 and the Parish Council is therefore inquorate and unable to meet. Until the Order is in place business cannot be transacted and this matter therefore needs to be considered as a matter of urgency.

Council Priorities

10. The Council is enhancing the local community by assisting a Parish Council to carry out its business effectively in the event that there are insufficient members of the relevant council for that Council to operate.

Corporate Implications

Legal Implications

11. The making of an Order under Section 91(1) of the Local Government Act 1972 is consistent with the Council's obligations contained in the said act.

Financial Implications

12. There are minimal costs involved in officer time in drawing up the necessary Order. Any costs can be net from existing budgets.

Equalities Implications

13. There are no equalities implications to this report.

Conclusion and next steps

14. Approving an Order under Section 91 (1) will enable Ridgmont Parish Council to carry out its normal functions.
15. Agreeing a process for making temporary appointments will ensure that, in future, parish councils will be able to continue to operate with minimum disruption.

Appendices

Appendix 1 – Order made under Section 91(1) of the Local Government Act 1972

Background Papers

None.