

WEST NORTHAMPTONSHIRE COUNCIL

2 December 2021

Councillor Hallam, Cabinet Member for Corporate Services

Report Title	Appointment of Parish Members to Middleton Cheney Parish Council
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List of Appendices

Appendix A: Order under section 91(1) of the Local Government Act 1972

1. Purpose of Report

- 1.1 To report on the decision by the Director of Legal and Democratic Services exercising delegated powers in relation to appointment of members to Middleton Cheney Parish Council.

2. Executive Summary

- 2.1 Middleton Cheney Parish Council has a quorum of four members and a total number of twelve seats. The Monitoring Officer was notified that the parish had fallen below the number of members required for the parish to be quorate and it was therefore unable to act.
- 2.2 West Northamptonshire Council has powers under s 91 Local Government Act 1972 (LGA 1972) to appoint members to the parish to enable it to become operational. In June 2021 Council delegated the power to the Monitoring Officer to enable decisions to be made between Council

meetings. This power was exercised in consultation with the ward members and the Chairman of the Northamptonshire County Association of Local Councils (NCALC).

3. Background

- 3.1 When a parish Council becomes inquorate, it is unable to conduct any parish business. The remaining Councillors are unable to make any decisions and may not, therefore, co-opt any Councillors, even on a temporary basis.
- 3.2 Accordingly it falls to West Northamptonshire Council to exercised its powers under Section 91 of the LGA 1972 to make temporary appointments to a Parish Council where there are so many vacancies in the office of parish or community councillor that the Parish or Community council are unable to act until other Councillors are elected and take up office.
- 3.3 In accordance with this power, an Order was made under s91 LGA 1972 on 4th November 2021 which appointed John Coatsworth, Peter Gliwitzki, Alan Youel and Richard Solesbury-Timms to the Middleton Cheney Parish Council.

4. Recommendations

- 4.1 Council is recommended to note the exercise of the power delegated to the Director of Legal and Democratic Services.

5. Reason for Recommendations

- 5.1 To update Council on the exercise of the power delegated to the Director of Legal and Democratic Services in relation to the appointment of members to parish councils who are unable to act through inquoracy.

6. Issues and Choices

- 6.1 The main choices available to the Council relate to the members to be appointed. The Council is developing a procedure for dealing with these requests which involve, in the first instance, consulting the ward members and seeking to reach agreement with NCALC so that the interests of the parish and the council are considered. The decision, however, rests with the Director of Legal and Democratic Services to balance the interests involved and ensure that the management of parish is the priority.
- 6.2 In this instance there were a number of individuals who expressed an interest in serving their local area. For the purposes of the temporary appointments and to get the Council operational it was decided to appoint members who had extensive experience of serving as a parish or district councillor. This was intended to ensure that the parish could move quickly to make the decisions necessary to secure the governance of the parish. Permanent appointments to the Parish Council will follow and will be made by the Parish itself now that it is quorate and able to do so.

7. Implications (including financial implications)

7.1 Resources and Financial

7.1.1 There are no resources or financial implications arising from the proposals.

7.2 Legal

7.2.1 The legal issues are set out in the body of the report. In essence, the Council has exercised its powers under s91 of the Local Government Act 1972 to appointment members on a temporary basis to a parish council to enable that parish to act and make its own appointments as appropriate.

7.3 Risk

7.3.1 There is a risk in not exercising this delegated power that the parish will be unable to act and therefore will not be able to take decisions required for the parish.

7.4 Consultation

7.4.1 Consultation was undertaken with the ward members of the parish and with the Chairman of NCALC.

7.5 Consideration by Overview and Scrutiny

7.5.1 This decision relates to the needs of the particular parish and is a non-executive decision which does not require scrutiny through the Council.

7.6 Climate Impact

7.6.1 This report is for information only and therefore has no climate impact.

7.7 Community Impact

7.7.1 This report has a direct impact on the community in Middleton Cheney and the impact is set out in the body of the report.

7.8 Communications

7.8.1 The Order has been published and has also been notified to the Secretary of State as required.

8. Background Papers

8.1 None