



Council name	COTSWOLD DISTRICT COUNCIL
Name and date of Committee	CABINET 5 <sup>TH</sup> JULY 2021
Report Number	Agenda Item 11
Subject	Inquorate Parish Councils – Procedure for Appointing Temporary Members
Wards affected	ALL
Accountable member(s)	Cllr Joe Harris - Leader of the Council Email: joe.harris@cotswold.gov.uk
Accountable officer(s)	Angela Claridge – Monitoring Officer (interim) Tel: 01285 623219 Email: angela.claridge@cotswold.gov.uk
Summary/Purpose	The adoption of this Procedure will ensure that Cotswold District Council can respond promptly to situations where Town or Parish Councils become inquorate and enable this tier of local government to continue to function effectively.
Annexes	Appendix A - Draft Procedure for making temporary appointments to Town and Parish Councils
Recommendation/s	<i>Adopt the procedure set out in Annex A for making appointments to inquorate Town and Parish Councils under section 91 of the Local Government Act 1972</i>
Corporate priorities	All
Key Decision	No
Exempt	No
Consultees/ Consultation	Members of the Cabinet

## **1. BACKGROUND**

A Town or Parish Council must be quorate in order to operate and make decisions. A quorum for Town and Parish Councils is defined as being one third of its membership, but not less than three.

## **2. MAIN POINTS**

There are occasions where due to resignations or lack of applications for vacancies at an election, a Town or Parish Council is unable to operate because it is inquorate. The inability to operate extends to making all decisions including the co-option of sufficient Councillors to fill vacancies. This happens infrequently, but has recently occurred at Poulton Parish Council, leaving that Parish Council unable to function. Parish Council elections have been arranged at Poulton on 15<sup>th</sup> July 2021.

Under section 91 of the Local Government Act 1972 Cotswold District Council (" the Council ") has power to make an Order appointing temporary members to a Town or Parish Council where, due to the number of vacancies, that Council cannot function lawfully. Currently this would be a decision for Cabinet.

This report is seeking approval to adopt a procedure for delegating these appointments to a senior officer, in conjunction with the political group leaders, so temporary Town or Parish Council members can be appointed promptly.

The appointees will usually be appointed from the Ward Member(s) of the Council, but if sufficient appointments can't be made, look to adjacent Ward Members.

## **3. FINANCIAL IMPLICATIONS**

There will be a cost in officer time in dealing with Orders which need to be advertised, as well as convening initial meetings of Town and Parish Councils. These will be met from the budgets of the Town and Parish Councils concerned where appropriate.

## **4. LEGAL IMPLICATIONS**

This report relates to a statutory power in the Local Government Act 1972 which, when exercised, results in the making of an Order. A copy of any such Order made must be sent to the Secretary of State for Housing, Communities and Local Government.

## **5. RISK ASSESSMENT**

The Procedure and any Orders made will help to support local councils to continue to operate and provide services to their local communities

## **6. EQUALITIES IMPACT (IF REQUIRED)**

An equalities impact assessment is not required

**7. ECOLOGICAL AND CLIMATE EMERGENCY IMPLICATIONS (IF REQUIRED)**

Not applicable

**8. ALTERNATIVE OPTIONS**

The option of reporting each occasion where an Order under section 91 is necessary to Cabinet for a decision has been considered. Due to the frequency of Cabinet meetings this could, however, cause delay in ensuring that Town and 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.

**BACKGROUND PAPERS**

None.