

PROCEDURE FOR APPOINTING PERSONS TO INQUORATE TOWN/PARISH/COMMUNITY COUNCILS (LOCAL COUNCILS)

1. When a local council within Ashford borough becomes inquorate (and therefore unable to make decisions or transact business) the Borough Council may under s.91 of the Local Government Act 1972 appoint persons by order to fill any or all of the vacant seats.
The Constitution provides the Solicitor to the Council & Monitoring Officer (“MO”) with delegated authority to make such orders. They will often need to be made at short notice. The temporary appointments so made cease when other councillors are elected and take up office.
2. This note sets out how this authority will normally be exercised and the procedure to be followed.
3. The MO will determine if the local authority is inquorate and if so the desirable number of persons to be appointed having regard to the needs of the local council and its recent history including reasons for recent vacancies.
4. The MO will invite persons to fill the number of seats it has been determined should be filled. Persons appointed under s.91 do not need to meet the usual eligibility criteria for election or co-option to the local council.
5. The decision on who to appoint is that of the MO but normally persons will be invited in the following order
 - (i) borough councillor(s) for the ward in which the local council is located.
 - (ii) borough councillors for adjacent wards
 - (iii) in consultation with Group Leaders, other borough councillors, county councillor(s) for the division in which the local council is located or local councillors from other local councils in the borough.
6. If it is not possible to appoint sufficient councillors to achieve a quorum, the MO will consult with Group Leaders before deciding which other persons should be invited to be appointed or whether the local council should remain inquorate until the next election
7. The MO will decide whether the order appointing persons should specify a date or event on which the appointment shall cease and/or whether the appointment(s) should cease once sufficient eligible persons have been elected to form a quorum.
8. A copy of any order under s91 will be sent to the local council clerk and 2 copies sent to the Secretary of State for Levelling Up Housing & Communities (or any successor) in accordance with s.91 (3) of the 1972 Act.

FEBRUARY 2024

PR304-C / 00750817