

Report to: **Council**

Date: **25 May 2021**

Title: **Sydenham Damerel Parish Council – filling of vacancies by order**

Portfolio Area: **Leader of the Council –Cllr Jory**

Wards Affected: **Milton Ford**

Urgent Decision: **No** Approval and clearance obtained: **Yes**

Date next steps can be taken: Not applicable

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Recommendation

It is recommended that Council:

- (1) notes the action taken by the Monitoring Officer under urgency powers in making the Order under section 91 of the Local Government Act 1972 in respect of Sydenham Damerel Parish Council;
- (2) agrees to delegate to the Monitoring Officer (in consultation with the Leader and relevant Ward Members) the power to make orders for temporary appointments under section 91 of the Local Government Act 1972 where there are so many vacancies in the office of Parish/Town Councillor that a Parish/Town Council is no longer able to act. Such a decision will be reported to Council in the Members Newsletter.

1. Executive summary

- 1.1 Where a decision that would ordinarily be made by Council or a committee is urgent such that it cannot wait until the next meeting of that body, the decision may be taken by a Senior Officer in consultation with the Chairman and Vice-Chairman of the body. When such an urgent decision is taken, the action must be reported to the next meeting of the Council or committee as appropriate.

- 1.2 This report is to inform Council of the making of an order making sufficient appointments so that Sydenham Damerel Parish Council was quorate and able to act. The report also seeks the delegation of the power to make similar orders in the future to the Monitoring Officer in consultation with the Leader and the relevant Ward members.

2. Background

- 2.1 Where a Parish Council is inquorate and no longer able to act, this Council has the power to make temporary appointments to those parish councils by making of an Order under section 91 of the Local Government Act 1972. The appointments last until such time as there is an election or co-option of sufficient members. The decision to make an order is one normally reserved to Council.
- 2.2 For over 12 months during the restrictions on face-to-face meetings, Sydenham Damerel Parish Council did not meet formally. As a consequence, all of the parish councillors were disqualified from acting and their posts became vacant. The "decisions" that the Parish Council had purported to make by e-mail in the interim needed ratification. In addition to which there were payments pending and appointments to be made, including that of an internal auditor.
- 2.3 In light of which the Head of Paid Service was satisfied that the decision was urgent and after consulting with the Chairman and Vice-Chairman of Council, the Monitoring Officer made the Order on 7 May 2021.

3. Outcomes/outputs

- 3.1 The Order allowed Sydenham Parish Council to be quorate and therefore able to act.

4. Options available and consideration of risk

- 4.1 Given that without the Order being made, the Parish Council would not have been able to act and would have been exposed to financial risks, there were no other options.

5. Proposed Way Forward

- 5.1 The business of Council should be focused upon those decisions that should be made by Council either because of their strategic, political or democratic importance. Given the absence of options to making an order to make temporary appointments where a parish council is unable to act and that often the decision is an urgent one, the proposal is for the decision to be delegated to the Monitoring Officer in consultation with the Leader and relevant Ward Members. The decision to make an order will be reported to Council in the Members Newsletter.

6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	The report explains the legal and governance implications in Section 2.
Financial implications to include reference to value for money	N	There are no financial implications arising directly out of this report.
Risk	Y	The report identifies what the risks were in paragraph 4.1
Supporting Corporate Strategy	N	There are no financial implications arising directly out of this report
Climate Change - Carbon / Biodiversity Impact	Y	There are no implications for the Corporate Strategy arising directly out of this report.
Comprehensive Impact Assessment Implications		
Equality and Diversity	N	
Safeguarding	N	
Community Safety, Crime and Disorder	N	
Health, Safety and Wellbeing	N	
Other implications	N	

Supporting Information

Appendices:

There are none

Background Papers:

There are none

Approval and clearance of report

Process checklist	Completed
Portfolio Holder briefed/sign off	Yes/No
SLT Rep briefed/sign off	Yes/No
Relevant Heads of Practice sign off (draft)	Yes/No
Data protection issues considered	Yes/No
Accessibility checked	Yes/No