
Delegation of Powers under section 91 Local Government Act 1972

Committee considering report:	Extraordinary Council
Date of Committee:	11 September 2025
Portfolio Member:	Councillor Jeff Brooks
Report Author:	Nicola Thomas

1 Purpose of the Report

To consider whether to delegate power to make orders under section 91 Local Government Act 1972 to enable the continued functioning of Hermitage Parish Council. The Parish Council has had a number of resignations recently and is currently 'inquorate' which means that it cannot undertake its decision making processes. This paper seeks to temporarily resolve this situation by making temporary appointments to the Parish Council.

2 Recommendations

That Full Council delegates authority to the Monitoring Officer, in consultation with the Group Leaders, to make an Order (Appendix A) to appoint parish councillors to ensure that an inquorate Parish Council is quorate and can continue to act.

3 Implications and Impact Assessment

Implication	Commentary
Financial:	None
Human Resource:	None
Legal:	Section 91 Local Government Act 1972 allows 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 coopted or elected sufficient Councillors to be quorate.

Delegation of Powers under section 91 Local Government Act 1972

Risk Management:	Without appointment, Parish Councils will be unable to function and make decisions in the interests of the parish council.			
Property:	None			
Policy:	None			
	Positive	Neutral	Negative	Commentary
Equalities Impact:				
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		x		
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		x		
Environmental Impact:		x		
Health Impact:		x		
ICT Impact:		x		
Digital Services Impact:		x		

Council Strategy Priorities:		x		
Core Business:		x		
Data Impact:		x		
Consultation and Engagement:	<p>Nicola Pierce, Hermitage Parish Council Clerk</p> <p>Sharon Armour, Legal Services Manager</p> <p>Stephen Chard, Democratic Services Manager</p> <p>Clare Ockwell, Elections and Land Charges Manager</p> <p>Sarah Clarke, Executive Director (Resources)</p> <p>Group Leaders: Cllrs Brooks, Mackinnon and Marsh.</p>			

4 Executive Summary

- 4.1 On 22 August, following a Parish Council meeting of Hermitage Parish Council the previous evening, the Parish Council clerk contacted West Berkshire Council to advise they had received a resignation from a Parish Councillor. As a result of this resignation, the Parish Council was no longer quorate and unable to hold meetings or make decisions on the business of the Parish Council. In cases of parish Councils not having sufficient representatives on the Parish Council, the Council (West Berkshire Council) has legal powers to enable the continued working of the Parish Council.
- 4.2 The report seeks to formalise interim arrangements to enable the work of Hermitage Parish Council to continue until such time as it has elected sufficient Councillors to be quorate.

5 Supporting Information

Introduction

- 5.1 Section 91 of the Local Government Act 1972 allows the Council to appoint a sufficient number of Parish Councillors, on a temporary basis, to enable the work of a Parish Council to continue until it has co-opted or elected sufficient Councillors to be quorate.
- 5.2 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 District Council can act under section 91 Local Government Act 1972 (as amended), and appoint individuals to act as Parish Councillors, until or unless the Parish has held an election or in the absence of an election to have co-opted sufficient Councillors on to the Parish Council.

Background

- 5.3 Hermitage Parish Council first contacted West Berkshire Council on 29 July to advise of a number of resignations received from Parish Councillors and that a further resignation may be received prior to the meeting of the Parish Council in August.
- 5.4 At the meeting of 21 August, it is understood that this Parish Councillor orally indicated their wish to resign. Under Local Government Act 1972 section 84 resignations should be provided in writing to the Chair of the Parish Council. Due to the potential for the Parish Council to be inquorate and unable to co-opt, there is a need for an urgent decision to be made.

Proposals

- 5.5 It is recommended that the Council delegate authority as set out under recommendation 2 to make an 'Order' as detailed at Appendix A (with a named appointment) if required, to enable the Parish Council to be quorate and continue to operate.

6 Other options considered

- 6.1 Do nothing. This would result in Hermitage Parish Council being unable to affect any meetings or business.

7 Conclusion

- 7.1 It is essential for the business of Hermitage Parish Council (HPC) to be conducted and therefore it is proposed to facilitate and support HPC to appoint Parish Councillors on a temporary basis as set out in Appendix A.

8 Appendices

- 8.1 Appendix A – Proposed Order

Subject to Call-In:

Yes: ☐ No: x

The item is due to be referred to Council for final approval	x
Delays in implementation could have serious financial implications for the Council	<input type="checkbox"/>
Delays in implementation could compromise the Council's position	<input type="checkbox"/>
Considered or reviewed by one of the Council's Scrutiny Committees or associated Task Groups within the preceding six months	<input type="checkbox"/>
Item is Urgent Key Decision	<input type="checkbox"/>
Report is to note only	<input type="checkbox"/>

Wards affected:

Hermitage Parish in the Ward of Chieveley and Cold Ash

Officer details:

Name: Nicola Thomas
Job Title: Service Lead, Legal and Democratic Services
Tel No: 01635 519440 ext 9456
E-mail: Nicola.thomas1@westberks.gov.uk

Appendix A

Order of West Berkshire District Council Made on 11 September 2025

THIS ORDER is made by West Berkshire District Council on 11 September 2025

IT BEING NOTED on receipt of the written resignation of Hermitage Parish Councillors

- Vanessa Burgess
- John Rigby
- Jon Willey
- Alex Williams
- Ian Govier

Resulting in the number of Parish Councillors reducing to 3.

1. The number of councillors required for a quorum is 4

IT IS ORDERED:

2. Under section 91 of the Local Government Act 1972 where there are so many vacancies in the office of Parish Council that the Parish Council is no longer able to act, the Council may, by order, appoint persons to fill all or any of the vacancies until other councillors are elected to take office.
3. Now in pursuance of the Power conferred upon it by Section 91 of the Local Government Act 1972 the Council hereby appoints the following persons to act as Parish Councillors of Hermitage Parish Council until sufficient vacancies are filled to re-establish a quorum, whereupon any such appointment shall cease.
 - a. Councillor Heather Codling
 - b. Councillor Paul Dick