

BOLSOVER DISTRICT COUNCIL

Extraordinary Meeting of Council on 16th December 2025

Appointments under Section 91 of the Local Government Act 1972

Report of the Director of Governance and Legal Services & Monitoring Officer

Classification	This report is Public
Contact Officer	Jim Fieldsend, Director of Governance and Legal Services & Monitoring Officer

PURPOSE/SUMMARY OF REPORT

To consider whether to delegate power to make Orders under section 91 of the Local Government Act 1972

REPORT DETAILS

1. Background

- 1.1 The number of councillors that can be elected or co-opted on to Shirebrook Town Council is sixteen. The quorum of the Town Council is at least one third of the membership and so at least six councillors are required for it to be quorate.
- 1.2 In August/September 2025 nine councillors resigned from the Town Council. A Notice of Vacancy was received, and no election was called. The Town Council commenced a process to co-opt new councillors, however, on 4th December 2025 the clerk to the Town Council advised Bolsover District Council that two more councillors had resigned. Only five councillors remain meaning that the Town Council is now inquorate.
- 1.3 This means that the Town Council in effect has been paralysed from conducting any Town Council business. The remaining Councillors are unable to make any decisions and may not complete the co-option of councillors. A request for a Notice of Vacancy has been received in relation to the most recent resignations, and this may result in new councillors being elected. However, this will result in the Town Council being left in a state of paralysis for several weeks.
- 1.4 Section 91 of the Local Government Act 1972 provides that a district council can make temporary appointments to a town council, where there are so many vacancies on that council that they are unable to act, until other councillors are elected or co-opted and take up office.

- 1.5 The Local Government Act 1972 does not define who a council can appoint to fill the vacancies. It is usual, however, to appoint a district councillor, if they are willing to take on the role. Failing that a councillor from another parish or town council may be appointed or even officers.
- 1.6 The Monitoring Officer has written to all Bolsover District Councillors to request expressions of interest for the temporary role on Shirebrook Town Council.
- 1.7 Appointments by the Council must be made by order and a copy of the proposed order is attached at Appendix 1.

2. Details of Proposal or Information

- 2.1 It is recommended that the Council delegate authority to the Monitoring Officer to make an Order as detailed at Appendix 1 (with a named appointment), to enable the Shirebrook Town Council to be quorate and continue to operate.

3. Reasons for Recommendation

- 3.1 At the moment, the Town Council cannot meet, nor act. In order to ensure that it can act and is properly constituted, in both the short and long term, it is proposed that an Order be made, under the Local Government Act 1972 Act, to appoint persons to act as a Parish Councillor, on a temporary basis, until such time that the Town Council is able to fill the vacancies by election or co-option.

4 Alternative Options and Reasons for Rejection

- 4.1 Not to make appointments under Section 91 of the Local Government Act. This would result in Shirebrook Town Council being unable to affect any meetings or business

RECOMMENDATION(S)

That Council delegates authority to the Monitoring Officer, in consultation with the group leaders, to make an Order (Appendix 1) to appoint Town Councillors to ensure that Shirebrook Town Council is quorate and can continue to act.

Approved by Councillor Donna Hales, Deputy Leader & Portfolio Holder
for Corporate Governance

<u>Finance and Risk</u>			Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Details:				
On behalf of the Section 151 Officer				
<u>Legal (including Data Protection)</u>			Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Details:				

Section 91 Local Government Act 1972 allows Council to appoint a sufficient number of Town 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.

Two copies of every order made under Section 91 shall be sent to the Secretary of State.

On behalf of the Solicitor to the Council

Staffing Yes ☐ No ☒

Details:

There are no staffing implications arising from this report.

On behalf of the Head of Paid Service

Equality and Diversity, and Consultation Yes ☐ No ☒

Details:

There are no Equality and Diversity, and Consultation implications arising from this report.

Environment Yes ☐ No ☒

Please identify (if applicable) how this proposal/report will help the Authority meet its carbon neutral target or enhance the environment.

Details:

There are no Environmental implications arising from this report.

DECISION INFORMATION

☒ **Please indicate which threshold applies:**

Is the decision a Key Decision?

A Key Decision is an Executive decision which has a significant impact on two or more wards in the District or which results in income or expenditure to the Council above the following thresholds:

Revenue (a) Results in the Council making Revenue Savings of £75,000 or more or **(b)** Results in the Council incurring Revenue Expenditure of £75,000 or more.

Capital (a) Results in the Council making Capital Income of £150,000 or more or **(b)** Results in the Council incurring Capital Expenditure of £150,000 or more.

District Wards Significantly Affected:

Yes ☐ No ☒

(a) ☐ (b) ☐

(a) ☐ (b) ☐

(to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the District)

Please state below which wards are affected or tick **All** if all wards are affected:

None.

All ☐

Is the decision subject to Call-In?

(Only Key Decisions are subject to Call-In)

Yes ☐ **No** ☒

If Yes, is the call-in period to be waived in respect of the decision(s) proposed within this report?

Yes ☐ **No** ☐

(decisions may only be classified as exempt from call-in with the agreement of the Monitoring Officer)

Consultation carried out:

(this is any consultation carried out prior to the report being presented for approval)

Yes ☒ **No** ☐

Leader ☒ **Deputy Leader** ☒ **Executive** ☐

SLT ☐

Relevant Service Manager ☐ **Members** ☐

Public ☐

Other ☐

Links to Council Ambition: Customers, Economy, Environment, Housing

DOCUMENT INFORMATION

**Appendix
No**

Title

1

Draft Order under Section 91 of Local Government Act 1972.

Background Papers

(These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Executive you must provide copies of the background papers).

None.