

## BRECKLAND DISTRICT COUNCIL

**Report of:** Rob Walker – Deputy Chief Executive and Monitoring Officer

**To:** General Purposes Committee – 25 September 2023

**Author:** Rory Ringer, Democratic Services Manager & Deputy Monitoring Officer

**Subject:** Hoe & Worthing Parish Meeting – Section 109 Order

**Purpose:** To request that Breckland Council delegates the requisite power to Hoe & Worthing Parish Meeting to allow the recruitment of a Parish Clerk.

### **Recommendation(s):**

- 1) That members consider this report and determine whether to grant the requisite power to Hoe & Worthing Parish Meeting.

### **1.0 BACKGROUND**

- 1.1 While parish meetings are recognised as local government bodies or public authorities for a number of statutory purposes, they are not parish councils. Parish meetings therefore do not have the same range of local authority functions as parish councils, and unlike Parish Councils, parish meetings have no inherent power to employ officers.
- 1.2 Where a parish meeting wants to do something that a parish council might do, but because of its status as a parish meeting, lacks the necessary legal powers, it may ask the district council to make an order under section 109 of the Local Government Act 1972, granting it the relevant parish council powers.
- 1.3 Following a number of temporary minute takers, Hoe & Worthing parish meeting recently brought in a clerk on a voluntary basis from a neighbouring parish to take minutes at their parish meetings, and now wants to employ a Clerk permanently. Before the parish meeting can employ any officer, it must apply to the district for it to confer the appropriate power on the parish meeting.
- 1.4 Following a vote taken at a Parish Meeting on 10 May 2023, the Parish meeting chairman was given authority to approach Breckland with a formal request for the required power under section 112 of the Local Government Act 1972 – Appointment of Staff, to recruit a parish clerk.

### **2.0 OPTIONS**

- 2.1 The council agrees to the request and delegates to the Council's Monitoring Officer the appropriate authority to make the required order, or
- 2.2 The Council refuses to grant the necessary power, giving reasons for its refusal.

### **6.0 IMPLICATIONS**

In preparing this report, the report author has considered the likely implications of the decision - particularly in terms of Carbon Footprint / Environmental Issues; Constitutional &

Legal; Contracts; Corporate Priorities; Crime & Disorder; Data Protection; Equality & Diversity/Human Rights; Financial; Health & Wellbeing; Reputation; Risk Management; Safeguarding; Staffing; Stakeholders/Consultation/Timescales; Other. Where the report author considers that there may be implications under one or more of these headings, these are identified below.

## **6.1 Constitution & Legal**

6.1.1 Section 109 of the 1972 Act permits the Council to make an order vesting certain powers of a parish council in a requesting parish meeting. Two copies of the order must be sent to the Secretary of State.

## **7.0 WARDS/COMMUNITIES AFFECTED**

7.1 Parish of Hoe & Worthing

## **8.0 ACRONYMS**

8.1 None.

---

Background papers: - None

---

### **Lead Contact Officer**

Name and Post: Rory Ringer  
Telephone Number: 07827827046  
Email: [rory.ringer@breckland.gov.uk](mailto:rory.ringer@breckland.gov.uk)

**Key Decision:** No

**Exempt Decision:** No

**Appendices attached to this report:** None