



**SOUTH
KESTEVEN
DISTRICT
COUNCIL**



Officer Delegated Decision

23 December 2020

Karen Bradford, Chief Executive

Temporary Appointment of member to Pointon and Sempringham Parish Council

This report proposes to make a temporary appointment to Pointon and Sempringham Parish Council as result of becoming inquorate following a number of recent resignations. For the Parish Council to be able to act, it is required to have a quorum of members, which in this case is three.

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| Decision made by: | Karen Bradford |
| Decision: | To appoint Councillor Dr Peter Moseley to the temporary position of parish councillor for Pointon and Sempringham Parish Council |
| Date: | 23 December 2020 |
| Public or Exempt: | Public |
| Reasons for exemption: | Not applicable |
| Conflicts of interest: | No |
| Policy compliant: | Yes |
| Details of delegation: | The Chief Executive may make temporary appointments to Town and Parish Councils in accordance with Section 91 of the Local Government Act 1972 in the event that a parish or town council is inquorate. Constitution, Article 16: http://moderngov.southkesteven.gov.uk/documents/s23374/Chief%20Exec.pdf Council Minute 26/2018: http://moderngov.southkesteven.gov.uk/documents/g3650/Public%20minutes%2026th-Jul-2018%2014.00%20Council.pdf?T=11 |

Contact

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1 The Purpose of the Report

- 1.1 This report relates to the making of a temporary appointment to Pointon and Sempringham Parish Council to make it quorate and allow the Parish Council to progress urgent business, until new Parish Councillors can be elected.

2 Background

- 2.1 Parish and Town Councils need to be quorate to operate and conduct business. Pointon and Sempringham Parish Council has seven seats however five members have recently resigned leaving two remaining councillors. For Pointon and Sempringham Parish Council to be able to act, it is required to have a quorum of three members. Being inquorate means that the Parish Council is unable to conduct business.
- 2.2 The Local Government Act 1972 allows the District Council to make such number of temporary appointments to Parish and Town Councils as is necessary in order to make it quorate, until such time as the vacancies can be filled, either by election or co-option.
- 2.3 The process for making these appointments was agreed by Council on 26 July 2018 with authority delegated to the Chief Executive to make temporary appointments where necessary.
- 2.4 The process involves members of the District or County Council being offered the temporary position of Parish or Town Councillor until sufficient members have been appointed to achieve a quorum.
- 2.5 The appointment of one temporary member would be sufficient for Pointon and Sempringham Parish Council to achieve a quorum.
- 2.6 Members are offered the temporary position of Parish Councillor in the following order:
- a) District Councillor(s) for the Ward in which the Parish/Town is located;
 - b) County Councillor for the Division in which the Parish/Town is located;
 - c) District Councillor(s) for the adjacent Wards to which the Parish/Town is located;
 - d) In consultation with Group Leaders, other Councillors will be considered and may include Town/Parish Councillors from adjacent Parishes.
- 2.7 The Ward councillor for the Aveland Ward in which the Pointon and Sempringham Parish is situated is Councillor Dr Peter Moseley. Councillor Moseley has been contacted and has agreed to be appointed for a temporary period to the Parish Council.
- 2.8 The Parish Council has published the statutory Notices of the Vacancies. Requests have been received from more than 10 electors from the Parish for the five vacancies to be filled by an election. The five seats are now required to remain vacant until an election is held.
- 2.9 The earliest that an election can take place under the current provisions of The Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020 is 6 May 2021.
- 2.10 The temporary appointment will be made by Order and will provide for the appointment to cease when an election has been held to fill the vacancies and a quorum has been re-established on the Parish Council.

3 Comments of Consultees

- 3.1 The clerk to the Parish Council and Ward member have been consulted on this matter and the proposed appointee, Councillor Moseley, has indicated that he is prepared to accept the temporary appointment.

4 Available Options Considered

- 4.1 No other options have been considered. Council agreed a process to make temporary appointments to avoid Parish Councils being inquorate for long periods.

5 Preferred Option

- 5.1 To make the appointment of Councillor Dr Peter Moseley as a temporary member of Pointon and Sempringham Parish Council.

6 Reasons for the Decision (s)

- 6.1 Pointon and Sempringham Parish Council will be unable to function or hold meetings without a temporary appointment being made. Making a temporary appointment will enable the Parish Council to continue to hold meetings and deal with urgent business.

7 Financial Implications

- 7.1 There are no financial implications arising from this report.

Financial Implications reviewed by: Alison Hall-Wright, Head of Finance

8 Legal and Governance Implications

- 8.1 The proposed temporary appointment of Councillor Dr Peter Moseley to Pointon and Sempringham Parish Council conforms to the procedure agreed by Council in July 2018. Council delegated authority to the Chief Executive to make temporary appointments to Town and Parish Councils, and requested that a report be submitted to the next available meeting of full Council, to ensure Members were made aware when the power had been used.

- 8.2 All appointments must be made by Order under Section 91(1) of the Local Government Act 1972. In accordance with Section 91(3) of the Local Government Act 1972, the Monitoring Officer will forward two copies of the Order to the Secretary of State. A further copy will be supplied to Pointon and Sempringham Parish Council for its information.

Legal Implications reviewed by: Shahin Ismail, Director of Law and Governance

9 Equality and Safeguarding implications

- 9.1 There are no equality and safeguarding implications applicable to this report.

10 How will the recommendations support South Kesteven District Council's declaration of a 'climate' emergency?

- 10.1 None relating to this report.

11 Appendices

- 11.1 South Kesteven District Council (Temporary Appointment of Member to Pointon and Sempringham Parish Council) Order 2020.

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| Report Timeline: | Call-in deadline (where applicable) | Not applicable |
| | Date decision effective (subject to call-in) | 23 December 2020 |

Signed by: Karen Bradford

Date: 23 December 2020
