



**SOUTH
KESTEVEN
DISTRICT
COUNCIL**

Council

26 May 2022

Report of: Karen Bradford

Chief Executive



Appointment of Temporary Councillor to Kirkby Underwood Parish Council

To advise Members of the temporary appointment of Councillor Robins to Kirkby Underwood Parish Council to allow the Parish Council to progress urgent business until a new member has been co-opted and taken up office.

Report Author

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Corporate Priority:	Decision type:	Wards:
Administrative	Administrative	Castle

Reviewed by:	Graham Watts, Assistant Director of Governance (Deputy Monitoring Officer)	6 May 2022
Signed off by:	Karen Bradford, Chief Executive	6 May 2022

Recommendation (s) to the decision maker (s)

Notes the appointment of Councillor Nick Robins as a temporary member of Kirkby Underwood Parish Council until such time as a new Parish Councillor has been elected or co-opted and taken up office.

1 The Background to the Report

- 1.1 Parish and Town Councils need to be quorate to operate and conduct business. Kirkby Underwood Parish Council has five seats however three members have recently resigned leaving only two remaining councillors. For Kirkby Underwood 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 hold meetings and conduct business.
- 1.2 The Local Government Act 1972 allows the District Council to make such number of temporary appointments to a Parish or Town Council as is necessary in order to make it quorate, until such time as the vacancies can be filled, either by election or co-option.
- 1.3 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.
- 1.4 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.
- 1.5 The appointment of one temporary member was sufficient for Kirkby Underwood Parish Council to achieve a quorum.
- 1.6 Councillor Robins is the councillor for the Castle Ward in which the Kirkby Underwood Parish is situated and agreed to act as temporary Parish Councillor for this interim period to enable the Parish Council to continue to function.
- 1.7 Notice of the vacancies has been published by the acting chairman of Kirkby Underwood Parish Council and no request for an election has been received within the statutory period. The vacancies will now be filled by the Parish Council by co-option.
- 1.8 The temporary appointment of Councillor Robins will cease when a new member has been co-opted and taken up office by signing the declaration of acceptance of office.
- 1.9 A copy of the Officer Delegated Decision is attached at Appendix 1.

2 Consultation and Feedback Received, Including Overview and Scrutiny

- 2.1 Kirkby Underwood Parish Council and the ward member have been consulted on the temporary appointment.

3 Available Options Considered

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

4 Preferred Option

- 4.1 To note the temporary appointment of Councillor Robins as a member of Kirkby Underwood Parish Council.

5 Reasons for the Recommendation (s)

- 5.1 The temporary appointment of Councillor Nick Robins to Kirkby Underwood Parish Council conforms to the procedure agreed by Council in July 2018. When Council gave the Chief Executive delegated authority to make temporary appointments to Town and Parish Councils, it 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.

6 Financial Implications

6.1 There are no financial implications arising from this report.

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

7 Legal and Governance Implications

7.1 All appointments must be made by Order under Section 91(1) of the Local Government Act 1972. The Order must state the name(s) of the appointed person(s) and the latest date their appointment will expire. In accordance with Section 91(3) of the Local Government Act 1972, two copies of the Order have been forwarded to the Secretary of State. A further copy has been supplied to Kirkby Underwood Parish Council for its information.

Legal Implications reviewed by: Graham Watts, Assistant Director of Governance and Deputy Monitoring Officer

8 Equality and Safeguarding Implications

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

9 Risk and Mitigation

9.1 Risk was considered in the preparation of this report and no significant risks were identified.

10 Community Safety Implications

10.1 There are no community safety implications applicable to this report.

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

11.1 This report has no climate impact.

12 Background Papers

12.1 Section 91 of the Local Government Act 1972:
<http://www.legislation.gov.uk/ukpga/1972/70/section/91>

13 Appendices

13.1 Appendix 1: Officer Delegated Decision 22 April 2022