



SOUTH
KESTEVEN
DISTRICT
COUNCIL

Officer Delegated Decision

21 April 2022

Karen Bradford, Chief Executive



Temporary Appointment of member to Kirkby Underwood Parish Council

This report proposes to make a temporary appointment to Kirkby Underwood Parish Council due to 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.

Decision made by:	Karen Bradford
Decision:	To appoint Councillor Nick Robins to the temporary position of parish councillor for Kirkby Underwood Parish Council
Date:	21 April 2022
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

Julie Edwards, Electoral Services Manager



01476 406078



julie.edwards@southkesteven.gov.uk

1 The Purpose of the Report

- 1.1 This report relates to the making of a temporary appointment to Kirkby Underwood Parish Council to make it quorate and allow the Parish Council to progress urgent business, until a new Parish Councillor can be co-opted or elected.

2 Background

- 2.1 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 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 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 Kirkby Underwood 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 Castle Ward in which the Kirkby Underwood Parish is situated is Councillor Nick Robins. Councillor Nick Robins has been contacted and has agreed to be appointed to the Parish Council for a temporary period.
- 2.8 The Parish Council published the statutory Notice of the Vacancies on 12 April 2022 and the period for an election to be requested ends on 5 May 2022. If an election is called by ten electors of the parish, the election would be required to be held by 8 July 2022. If no election is called, the Parish Council will be able to fill the vacancies by co-option.
- 2.9 The temporary appointment will be until a minimum of one new member has been co-opted or elected to provide the necessary quorum. The temporary appointment is therefore likely to be only for a relatively short period of time.
- 2.10 The temporary appointment will be made by Order and will provide for the appointment to cease when a quorum has been re-established on the Parish Council.

3 Comments of Consultees

- 3.1 The acting chairman of the Parish Council and Ward member have been consulted on this matter and the proposed appointee, Councillor Nick Robins, 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 Nick Robins as a temporary member of Kirkby Underwood Parish Council.

6 Reasons for the Decision (s)

- 6.1 Kirkby Underwood 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 hold a meeting and carry out the co-option process to fill the vacancies.

7 Financial Implications

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

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

8 Legal and Governance Implications

- 8.1 The proposed temporary appointment of Councillor Nick Robins to Kirkby Underwood Parish Council conforms to the procedure agreed by Council in July 2018. Council delegated authority to make temporary appointments to Town and Parish Councils to the Chief Executive 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. 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, the Monitoring Officer will forward two copies of the Order to the Secretary of State. A further copy will be supplied to Kirkby Underwood Parish Council for its information.

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

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 Kirkby Underwood Parish Council) Order 2022.

Signed by: Karen Bradford

Date: 22.04.22