

This Report will be made public on 22 September 2020

Report Number **AUG/20/06**

To: Audit and Governance Committee
Date: 30 September 2020
Status: Non-executive decision
Responsible Officer: Amandeep Khroud, Assistant Director - Governance & Law

SUBJECT: APPOINTMENT OF TEMPORARY COUNCILLOR

SUMMARY: Due to unforeseen circumstances Brenzett Parish Council could not meet the requirements of quorum at a planned parish meeting on 14th September 2020. A temporary councillor was appointed by the Head of Paid Service under her urgency powers to act at this meeting to fulfill the requirements of quorum and allow the Parish Council to function.

REASONS FOR RECOMMENDATIONS:

To advise councillors that this has taken place and the Secretary of State has also received notification of this happening.

RECOMMENDATIONS:

1. To receive and note report AuG/20/06.
2. To note the use by the Head of Paid Service of her urgency powers to make a temporary appointment to Brenzett Parish Council pursuant to S91 Local Government Act 1972.

1. BACKGROUND

- 1.1 Brenzett Parish Council has a total of 5 seats for office. Two of these seats have remained vacant after the conclusion of both the petition period to call for an election, as well as the advertising for co-option by the Parish Clerk.
- 1.2 Of the 3 remaining councillors, 1 could not attend the September 2020 meeting because of a family emergency.
- 1.3 With only 2 councillors left the Parish Council could not function because it did not meet quorum. The rules of quorum are present in Part 2 of Schedule 12 of the Local Government Act 1972 and are as follows:

“No business shall be transacted at a meeting of a parish council unless at least one-third of the whole of members of the council are present at the meeting; but... in no case shall the quorum be less than three”.
- 1.4 The Parish Clerk expressed an urgency for the principal authority to assist. Agenda items for the meeting could not be deferred because a deadline for an audit and governance report on finance was due for submission to an external inspector.

3. ASSISTANCE

- 2.1 The Council, as the principal authority has powers under Section 91 of the Local Government Act 1972 to temporarily appoint persons to fill vacancies until other councilors are elected and take up office. In view of the urgent need to appoint a temporary member the Head of Paid Service used her urgency powers to make the appointment described below.
- 2.2 The Parish Clerk could not suggest a member of the public from the parish to act and so the two district ward members from this area were asked to assist.
- 2.3 Cllr Tony Hills stepped up to help and fulfilled the duties of councillor for the meeting held on Monday 14th September 2020.
- 2.4 The Secretary of State has been notified of the appointment as required by the legislation.

7. LEGAL/FINANCIAL AND OTHER CONTROLS/POLICY MATTERS

7.1 Legal Officer’s Comments (AK)

The legal implications are covered in the main body of the report

7.2 Finance Officer’s Comments (CI)

There are no financial implications arising directly from this report

7.3 Diversities and Equalities Implications (GE)

There are no equalities implications directly arising from this report

8. CONTACT OFFICERS AND BACKGROUND DOCUMENTS

Councillors with any questions arising out of this report should contact the following officer prior to the meeting:

Paul Butler
Democratic Services and Elections Lead Specialist
Telephone: 01303 853497
Email: paul.butler@folkestone-hythe.gov.uk

The following background documents have been relied upon in the preparation of this report:

Correspondence with the parish clerk of Brenzett Parish Council