



URGENT BUSINESS

CHIEF EXECUTIVE
Doug Wilkinson

14 November 2024

Dear Councillor

COUNCIL - 14 NOVEMBER 2024

With the agreement of the Chairperson, please find enclosed the following urgent report, for consideration at the above meeting, which was unavailable when the agenda was printed.

- 11 a) URGENT BUSINESS - Appointment of Councillors at Burnham-on-Crouch Town Council(Pages 3 - 6)

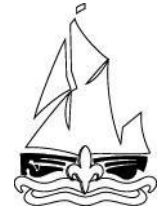
Yours faithfully

Chief Executive



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CIRCULATED PRIOR TO
THE MEETING



REPORT of MONITORING OFFICER

to
COUNCIL (EXTRAORDINARY)
14 NOVEMBER 2024

URGENT ITEM OF BUSINESS

APPOINTMENT OF COUNCILLORS AT BURNHAM-ON-CROUCH TOWN COUNCIL

1. PURPOSE OF THE REPORT

- 1.1 To appoint two Councillors to Burnham-on-Crouch Town Council ("Town Council") under Section 91 (1) of the Local Government Act 1972
- 1.2 This matter is brought forward for consideration with the agreement of the Chairperson of the Council as Burnham Town Council is not quorate following seven Councillors resignations in the last seven days.

2. RECOMMENDATIONS

- (i) That the Council nominates two Councillors to be temporarily be appointed to the Town Council
- (ii) That the Council authorises the making of an Order pursuant to s91 Local Government Act 1972 for the temporary appointment of two Councillors to enable the Town Council to act lawfully on the terms set out in the draft order attached as **APPENDIX 1** to this report.

3. SUMMARY OF KEY ISSUES

- 3.1 Following the resignation of seven councillors the Town Council within the last seven days the Town Council is no longer quorate.
- 3.2 The Standing Orders of the Town Council require a minimum number of four Councillors at any meeting.
- 3.3 There are currently only three Councillors remaining at the Town Council.
- 3.4 The Law states that the District Council, where there are so many vacancies in the office of parish councillor that the parish council is unable to act, may by order appoint persons to fill all or any of the vacancies, until other Councillors are elected to take up office.
- 3.5 While appointing only one Councillor would make the Town Council quorate it is proposed that two vacancies are filled to ensure that in the unavailability of one Councillor any meeting would still be quorate.

4. CONCLUSION

- 4.1 In order for the Town Council to perform its statutory duties it must legally be quorate. The District Council can appoint members to the Town Council on a temporary basis to ensure that the Town Council can continue to function until such time as the vacancies can be filled.

5. IMPACT ON PRIORITIES AS SET OUT IN THE CORPORATE PLAN 2023 - 2027

5.1 Supporting our communities

- 5.1.1 The appointment of two councillors allows the Town Council to legally function and to provide support to the residents of Burnham-on-Crouch.

6. IMPLICATIONS

- (i) **Impact on Customers** – The appointment will allow the Town Council to continue to provide services to its residents.
- (ii) **Impact on Equalities** – None.
- (iii) **Impact on Risk (including Fraud implications)** – None.
- (iv) **Impact on Resources (financial)** – None.
- (v) **Impact on Resources (human)** – None.

Background Papers: None.

Enquiries to: Emma Holmes, Lead Legal Specialist and Monitoring Officer.

Section 91 (1) of the Local Government Act 1972

Maldon District Council (Temporary Appointment of Members) Order 2024

THIS ORDER is made on the day of two thousand and twenty four by Maldon District Council ("THE COUNCIL").

1. WHEREAS following the recent resignation of seven parish councillors at Burnham on Crouch Town Council ("Town Council") the Town Council is no longer quorate.
2. Under Section 91 (1) of the Local Government Act 1972, where there are so many vacancies in the office of Town Councillor that the Town Council is no longer able to act, Maldon District Council may, by order, appoint persons to fill all or any of the vacancies until other Councillors are co-opted or elected to take office.

NOW in pursuance of the Power conferred upon it by Section 91 (1) of the Local Government Act 1972, the Council hereby appoints the following persons to act as a Member of Burnham on Crouch Town Council until an election has been held or new Councillors have been coopted to fill such vacancies as shall constitute and re-establish a quorum on the Town Council whereupon such appointments and this Order shall cease:

Councillor

Councillor

The COMMON SEAL of the

Maldon District Council was hereunto affixed in the presence

of:

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Authorised Signatory

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