



**REPORT of
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**

to
COUNCIL
1 OCTOBER 2020

**RESIGNATION OF COUNCILLOR HARKER AND ASSOCIATED
REPRESENTATION**

1. PURPOSE OF THE REPORT

- 1.1 To agree an approach associated with the vacancies created as a result of Councillor B E Harker's resignation as a District Councillor.

2. RECOMMENDATIONS

- (i) That the nominated candidate put forward by the Heybridge Basin Parish Members to replace Councillor B E Harker be approved;
- (ii) That Councillor Miss A M Beale be appointed in addition to the position of a Heybridge Basin Parish Councillor, to allow a greater opportunity for the Parish Council to be quorate should any future issues with Member attendance arise;
- (iii) That the filling of all other associated Committee and Outside Body seats and positions be deferred to the Statutory Annual Council meeting on 5 November 2020.

3. SUMMARY OF KEY ISSUES

- 3.1 Councillor Bryan Harker has resigned as a Maldon District Councillor and his position as District Councillor for the Heybridge East Ward will now remain vacant until a by-election can take place in May 2021, according to the Coronavirus Act 2020 and The Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020.
- 3.2 Associated seats and positions where his vacancy still allows meetings to be quorate are proposed to be dealt with at Statutory Annual Council on 5 November 2020.

3.3 **Heybridge Parish Council**

- 3.3.1 In his position as a District Councillor, Councillor Harker was also appointed according to section 91 of the Local Government Act to sit as a member of the newly formed Heybridge Basin Parish, in the absence of elections. Having also resigned his position on the Parish Council, Heybridge Basin Parish Council is currently unable to operate as it is not quorate.
- 3.3.2 The other two members of the Heybridge Basin Parish have nominated Mr Keith Lawson of Heybridge Basin, who has been involved in the local Referendum group, for members to consider for the position of Heybridge Basin Parish Councillor. Alternatively, if members not satisfied with that nomination, members could select a District Council Member to replace Councillor Harker.
- 3.3.3 At the time of appointing local District Councillors to the Parish Council, this approach was preferred because the Parish had no constitution or Code of Conduct, so those appointed could still be managed under the District Code of Conduct. The Parish has since adopted standing orders, a Code of Conduct of their own for the Parish Councillors to adhere to and have a Parish Clerk in post.
- 3.3.4 Should members wish to, they can still appoint a District Councillor to this position instead / as well as the suggested candidate, and Councillor Miss Anne Beale has been approached and agreed to work in this role, as a local District Councillor for the area.
- 3.3.5 Given the recent issues around the Parish not being quorate and able to act with the missing member, officers suggest it would be prudent to appoint two candidates to positions of Parish Councillors, allowing the Parish Council to address any future decision making should a Member not be available.

4. **CONCLUSION**

- 4.1 The report seeks to address vacancies requiring immediate attention as a result of Councillor Harker's resignation.

5. **IMPACT ON STRATEGIC THEMES**

- 5.1 The report addresses the local governance for Heybridge Basin, supporting Performance and efficiency.

6. **IMPLICATIONS**

- (i) **Impact on Customers** – The governance suggested will assist in local matters to Heybridge Basin being addressed.
- (ii) **Impact on Equalities** – Not applicable (n/a).
- (iii) **Impact on Risk** – Suggestion around appointing two Members to the Parish will reduce future risks around the Parish Council not being quorate.

- (iv) **Impact on Resources (financial)** – N/a.
- (v) **Impact on Resources (human)** – N/a.
- (vi) **Impact on the Environment** – N/a.
- (vii) **Impact on Strengthening Communities** - N/a.

Background Papers: None.

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