

**Written record of a decision in respect of an executive function to be completed by the relevant decision-maker.**

**SECTION A**

**DATE OF DECISION:** 22.01.2024  
**PORTFOLIO AREA:** Democracy and Governance  
**SUBJECT TITLE:** Appointment of Test Valley Borough Councillor to  
Fyfield Parish Council

**SECTION B – IDENTITY OF THE “DECISION-MAKER”**

**Name:** Head of legal and Democratic Services in consultation with  
the Democracy and Governance Portfolio Holder

Under Delegated Powers as set out in Part 3 of the Constitution under ‘Delegations to Officers’ the Head of Legal and Democratic Services is authorised:

*‘(27) In consultation with the Democracy and Governance Portfolio Holder, to appoint individuals to parish, town and community councils should circumstances mean that they are no longer quorate’*

**SECTION C – THE DECISION**

The Test Valley Borough Councillor Philip Lashbrook be appointed to Fyfield Parish Council until other Councillors are appointed and take up office sufficient that the Fyfield Parish Council is quorate.

**SECTION D – REASONS FOR THE DECISION**

1. The Local Government Act 1972 (‘the Act’) section 91 provides as follows: "Temporary appointment of members to parish and community councils"

(1) Where there are so many vacancies in the office of parish or community councillor that the parish or community council are unable to act, the district council may by order appoint persons to fill all or any of the vacancies until other councillors are elected and take up office."

2. The Act further provides that two copies of every order made under the above section shall be sent to the Secretary of State.
3. As set out in section B above, the Head of Legal and Democratic Services in consultation with the Democracy and Governance Portfolio Holder is authorized to make such appointment/order.
4. The Head of Legal and Democratic Services has been approached by the Clerk of Fyfield Parish Council to advise that the Parish Council is inquorate and that they would like Test Valley Borough Council to appoint one of its Councillors to the Parish Council so that decisions can be made, and options can take place.
5. The Parish Council has five seats. The Parish Council had three sitting members and was quorate. Following the resignation of one of the Councillors, the Parish Council is now inquorate.
6. Quorum in respect of Parish Councils is the greater of three or one third of the number of seats.
7. Notice of the recent vacancy has been advertised. If no by-election is called for that seat may be co-opted to. The other three vacant seats can be co-opted to at any point.
8. Test Valley Borough Councillor Philip Lashbrook of Bellinger Ward (in which the Parish Council sits) is willing to be appointed as described above.
9. The Head of Legal and Democratic Services has consulted with Councillor Lodge, the Democracy and Governance Portfolio Holder and he supports Councillor Philip Lashbrook's appointment.
10. The Head of Legal and Democratic Services therefore decides to appoint Councillor Philip Lashbrook and will prepare an order under seal formally making that appointment.

#### **SECTION E – DETAILS OF ANY ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

The alternative options were:

1. Do nothing - leave the Parish Council inquorate.
2. Appoint other Councillors to the Parish Council.

Option 1 was discounted as to do nothing would leave the Parish Council inquorate and unable to transact business which would be highly undesirable for local democracy.

Option 2 was discounted as Councillor Philip Lashbrook is willing and able to take up appointment at the Parish Council - there is no need for other/alternative appointments.

**SECTION F – OTHER RELEVANT MATTERS CONCERNING THE DECISION**

**None**

**SECTION G – Any Conflict of Interest Declared and Dispensation Granted**

Tick one only and complete the details if necessary.

\*The decision-maker(s) / \*Any Member of the Executive consulted in taking the decision did not declare any interest in the matters which is the subject of this decision.

decision maker/ \*A Member of the Executive taking the decision/ \*A Member of the Executive consulted in taking the decision declared an interest in the Matters set out in the report and as detailed below:

Nature of Interest:

Personal

Disclosable Pecuniary Interest

Details:

\* Delete as applicable

NB: If an interest is Disclosable Pecuniary Interest and no exceptions apply, the person who has declared such an interest must be recorded as leaving the room and taking no part in the decision.

Decision-maker: Head of Legal and Democratic Services Karen Dunn in consultation with Cllr Lodge, Portfolio Holder for Democracy and Governance.

**Name:**

**Date:**