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Report of Chief Officer Elections and Regulatory

Report to Chief Executive

Date:

Subject: Ledston Parish Council - Temporary arrangements pending the election of parish councillors

Are specific electoral wards affected?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes, name(s) of ward(s): Kippax & Methley	
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the decision eligible for call-in?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If relevant, access to information procedure rule number:	
Appendix number:	

Summary of main issues

1. The Returning Officer failed to receive any nominations for Ledston Parish Council for the parish and town council elections on 2 May 2019.
2. The Chair of the Parish Council has confirmed that this was due to an administrative error and has confirmed that they do have candidates who wish to make nominations to sit on the councils.
3. In the event that no valid nominations are received, the Returning Officer must make arrangements for an election to be held within 35 days of the vacancies occurring. The Returning Officer has scheduled an election for 20 June 2019, for which the Notice of Election will be published on 15th May 2019.
4. In these circumstances the district council can make temporary appointments to the parish council to ensure normal parish business can still be conducted during the interim period.

Recommendations

5. The Chief Executive, is requested to approve the making of the draft Order attached as Appendix 1, to appoint the existing parish councillors to Ledston Parish Council from 7 May 2019 until such time as Parish Councillors have been elected to enable the Parish Council to carry out its business.

1. Purpose of this report

- 1.1 To request that the Chief Executive makes a delegated decision to appoint the existing parish councillors for Ledston Parish Council to cover the interim period from 7 May until such time as Parish Councillors have been elected to enable each Parish Council to carry out its business.

2. Background information

- 2.1 The nomination period for the elections on 2 May 2019 ended on 3 April 2019. By that time no nominations had been received for Ledston Parish Council.
- 2.2 Having liaised with the Chair of Ledston Parish Council it is understood that the failure of nominations arose out of an administrative error arising following the recent resignation of the clerk. It is further understood that there are sufficient candidates who wish to be nominated and that a further election will proceed without difficulty.
- 2.3 The Representation of the People Act 1983 provides at Section 39(1) that, “where ... no person is or remains, or an insufficient number of persons are or remain, validly nominated to fill the vacancy or vacancies in respect of which the election is held” the returning officer must call a new election within 35 days of the day fixed for the failed election.
- 2.4 The Returning Officer has arranged for an election to be held on 20 June 2019, if required, with the Notice of Election being published on 15th May 2019. This meets the requirements of the Representation of the People Act above.

3. Main issues

- 3.1 Section 91(1) of the Local Government Act 1972 (the Act) provides that where there are so many vacancies that the parish 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.
- 3.2 This provision, which is permissive rather than mandatory, provides a temporary solution to enable the parish council to meet, if it is necessary, pending the new election in order that parish business can continue to be conducted.
- 3.3 If the power is to be exercised it should be noted that the Act is not prescriptive as to who should be appointed. It has been recommended in guidance provided by NALC and YALC that the relevant district councillors for the area can be appointed - and this would seem logical in an area where nominations are not received because there are no candidates wishing to stand. However, in the cases of Ledston Parish Council it would appear that there are candidates who are willing and able to stand and indeed who would have been candidates on 2 May 2019 but for administrative error. It is therefore suggested that if it is considered necessary to appoint members, consideration should be given to the appointment of the existing parish councillors, thereby ensuring continuity of representation during the interim period.
- 3.4 The Act requires this decision to be made by Order, two copies of which are to be sent to the Secretary of State.

4. Corporate considerations

4.1 Consultation and engagement

- 4.1.1 The existing Members of Ledston Parish Council have been consulted on this proposal and confirmed that they are willing to continue as Parish Councillors under this appointment arrangement until the necessary election has taken place.
- 4.1.2 The Leader, Deputy Leader, relevant ward councillors, and members of the Elections Working Group have been consulted on these proposals. No objection has been received.

4.2 Equality and diversity / cohesion and integration

- 4.2.1 There are no equality, diversity, cohesion or integration issues to consider as these proposals would allow the existing arrangements to continue until a second election is held.

4.3 Council policies and best council plan

- 4.3.1 Electoral Services supports the Best Council Plan Priority for Resilient Communities, specifically to help increase a sense of belonging that builds strong cohesive communities.

4.4 Resources and value for money

- 4.4.1 The costs associated with the second election are borne by the parish council and do not come at a cost to the district authority.

4.5 Legal implications, access to information, and call-in

- 4.5.1 The powers under Section 91(1) of the Local Government Act 1972 to appoint persons to fill all or any of the vacancies where there are so many vacancies that the parish council are unable to act is delegated to the Chief Executive.
- 4.5.2 This is considered a Significant Operational Decision which is not subject to call in.

4.6 Risk management

- 4.6.1 The risk that the parish council would be unable to continue to conduct its normal business as there are so many vacancies that the parish council is unable to act is removed by the appointment of persons to fill all or any of the vacancies by the district council as proposed in this report.

5. Conclusions

- 5.1 Officers recommend that the best course of action is to appoint the existing parish councillors to Ledston Parish Council for the interim period from 7 May until such time as Parish Councillors have been elected to enable the Parish Council to carry out its business so that it may continue to conduct normal business with no disruption.

6. Recommendations

- 6.1 The Chief Executive, is requested to approve the making of the draft Order attached as Appendix 1, to appoint the existing parish councillors to Ledston Parish Council from 7 May 2019 until such time as Parish Councillors have been elected to enable the Parish Council to carry out its business.

7. Background documents¹

- 7.1 None

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.