

Report of Head of Electoral Services

Report to Chief Officer Elections & Regulatory

Date: 21 January 2021

Subject: Ledston Parish Council – Appointment of Interim Councillors

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

Summary

1. Main issues

- Ledston Parish Council is currently unable to act, due to all five Council seats being vacant.
- The Local Government Act 1972 (Section 91) allows the district Council to appoint, by order, persons to fill all or any of the vacancies until other councillors are elected and take up office.
- This report seeks approval for the making of an Order to appoint interim Councillors to Ledston Parish Council.

2. Best Council Plan implications (see the [latest version of the Best Council Plan](#))

- An effective and well run Parish Council will be beneficial to the residents of Ledston and contribute towards Best Council Plan objectives such as being responsive to local needs and building resilient communities.

3. Resource implications

- The appointment of interim Councillors will be followed by a by-election to appoint Councillors on Thursday 6 May 2021.

- Officers of the Electoral Services Section will make the necessary arrangements for such election. Any associated costs would be charged to the Parish Council should the vacancies be filled by election.

Recommendations

- a) The Chief Officer, Elections & Regulatory is requested to approve the making of the draft Order attached as Appendix 1, to appoint the Ledston residents named in the Order as interim Parish Councillors until an election has been held to fill the vacancies on 6 May 2021.

1. Purpose of this report

- 1.1 To provide information to the Chief Officer, Elections & Regulatory in relation to the making of an order to appoint interim Councillors to Ledston Parish Council.
- 1.2 To ask for a decision to be taken as to whether the Order can be made.

2. Background information

- 2.1 Ledston Parish Council is a small Parish in the Kippax and Methley ward of Leeds.
- 2.2 The Parish Council area comprises of polling districts KMD and KMI and has an electorate of 387, represented by 5 Councillors.
- 2.3 Leeds City Council (the Council) has been aware of administrative issues with Ledston Parish Council for a number of years.
- 2.4 In 2015 and 2019, no nominations were submitted during the nomination period for the all-out Parish & Town Council elections. This resulted in the Council preparing Orders to appoint the previous Councillors on an interim basis while the elections were re-run.
- 2.5 Finance colleagues have experienced issues obtaining required paperwork and documentation relating to precept setting since 2015. The precept for 2019/20 has been withheld for this reason.
- 2.6 There have also been issues with annual returns not being submitted for audit.
- 2.7 In 2017, as part of a full Community Governance Review, the Council proposed to abolish Ledston Parish due to their continuous failure to adhere with procedures relating both to elections and financial matters.
- 2.8 The then Clerk and Chairman both agreed to comply with measures to allow the Parish to continue to operate. This compliance lapsed shortly after the decision was taken by Full Council not to proceed with abolition.

3. Main issues

- 3.1 The (now former) Chairman of Ledston Parish Council posted a notice on the Parish noticeboard in October 2020, advising that the Parish had been disbanded.
- 3.2 This notice had no legal standing and left the Parish without a Chairman or Councillors. The Clerk had resigned prior to the notice being published.
- 3.3 5 Ledston residents have been identified who are willing to be appointed as interim Councillors.

- 3.4 Once appointed, the interim Cllrs will hold a Parish Meeting to commence bringing the Parishes affairs into order. Part of this work will involve the temporary appointment of a Parish Clerk from neighbouring Parish Ledsham, to assist with administrative matters.
- 3.5 This interim appointment of Councillors will be effective until a by-election is held. A notice of election would be published on 25 March 2021.
- 3.6 If the number of nominations is 5 or less, those candidates will be elected uncontested. Any further vacancies could then be filled by co-option at the next scheduled Parish Meeting.
- 3.7 If the number of nominations is more than 5, an election will be held to fill the 5 vacancies on Thursday 6 May 2021.

4. Corporate considerations

4.1 Consultation and engagement

- 4.1.1 The Ledston residents to be appointed as interim Councillors have been consulted on this proposal and confirmed that they are willing to act as Parish Councillors under this appointment arrangement until the necessary election has taken place.
- 4.1.2 The Kippax and Methley ward Councillors have been consulted on this proposal and support the measures.

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 Parish Council to continue to operate in a more efficient and effective manner.

4.3 Council policies and the 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.

Climate Emergency

- 4.3.2 There are no implications or specific factors relating to the Climate Emergency declared by the Council.

4.4 Resources, procurement and value for money

- 4.4.1 The costs associated with the by-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 Sections 91(1) of the Local Government Act 1972 to appoint persons to fill all or any vacancies where there are so many vacancies that the Parish Council are unable to act is delegated to the Chief Officer, Elections & Regulatory.

4.5.2 This is considered a Significant Operation 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 Council as proposed in this report.

5. Conclusions

5.1 Officers recommend that the best course of action is to appoint the 5 Ledston residents named in the Order at Appendix 1 for the interim period 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 Officer, Elections & Regulatory is requested to approve the making of the draft Order attached as Appendix 1, to appoint the Ledston Residents named in the Order as interim Parish Councillors until an election has been held to fill the vacancies on 6 May 2021.

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.