



Hinckley & Bosworth
Borough Council

A Borough to be proud of

Date: 18 May 2015

To: All Members of Council

Copy to all other Members of the Council

(other recipients for information)

Dear member,

It has been agreed that the undermentioned item of business be accepted for the meeting of the **COUNCIL** on **TUESDAY, 19 MAY 2015** at **6.30 pm** due to it being an urgent matter as required by legislation.

I would be grateful if you could place this with your papers for the meeting.

Yours sincerely

A handwritten signature in black ink, appearing to read 'R Owen'.

Rebecca Owen
Democratic Services Officer

LATE REPORT

13. TEMPORARY APPOINTMENTS TO PARISH COUNCILS (Pages 1 - 10)

Report of the Returning Officer.

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Hinckley & Bosworth
Borough Council

A Borough to be proud of

COUNCIL -19TH MAY 2015

TEMPORARY APPOINTMENTS TO PARISH COUNCILS
REPORT OF RETURNING OFFICER

WARDS AFFECTED: BARLESTONE, NAILSTONE & OSBASTON
CADEBY, CARLTON & MARKET BOSWORTH WITH
SHACKERSTONE, MARKFIELD, STANTON & FIELD HEAD

1. PURPOSE OF REPORT

- 1.1 To seek Council's approval for the temporary appointment of councillors to the following parish councils:
- Cadeby Parish Council
 - Nailstone Parish Council
 - Stanton under Bardon Parish Council

2. RECOMMENDATION

- 2.1 That the Council approve and make the orders required to make the temporary appointments in the form attached to this report.

3. BACKGROUND TO THE REPORT

- 3.1 The number of seats for each of the three parish councils is five but by the time the deadline for receipt of nominations for election had passed, only two nominations had been validly received for Nailstone and Stanton under Bardon, whilst only one was received for Cadeby. In all cases, the persons nominated were returned unopposed.
- 3.2 For the parish councils to be able to act, they are required to have a quorum of members. In all three cases, the quorum is three and therefore cannot act.
- 3.3 Section 39(1) of The Representation of the People Act 1983 provides that in these circumstances the Returning Officer must order an election to fill any vacancy which remains unfulfilled.
- 3.4 The earliest date on which an election can be called, given the statutory timescales and the need to call it within 35 days (as defined) of the date of the election, is 25th June 2015.
- 3.5 The Local Government Act 1972 provides that the first meeting of a parish council following an ordinary election shall be on or before 14 days from the date when councillors retire, which is four days after the election. In those circumstances, it is unlikely, again given the statutory timetables for calling meetings, that a meeting of each of the three parish councils could be properly called within those 14 days.
- 3.6 In order to enable all three parish councils to act pending the outcome of the further election on 25th June 2015, and to be able to lawfully hold their first meetings, it is proposed to make the attached orders pursuant to the Council's powers under section 91 of the Local Government Act 1972.
- 3.7 The effect of the three orders will be to appoint the named persons to the respective parish councils so that each is quorate and can properly act until those elected at the further election on 25th June 2015 take office; the orders also provide for the first meetings to be properly held later than the statutory timetable for holding such meetings.

4. FINANCIAL IMPLICATIONS [KP]

4.1 Pending approval, the cost of administering a parish election has been estimated at £2,000 per parish (estimate provided by electoral services). The Council would be required to fund this cost, though is permitted to recharge this back to the parish council.

5. LEGAL IMPLICATIONS [MR]

5.1 Set out in the report.

6. CORPORATE PLAN IMPLICATIONS

6.1 The outcomes of this report contribute positively to the following Corporate Aims:

- Creating a vibrant place to work and live
- Empowering communities

7. CONSULTATION

7.1 Parish Clerks.

8. RISK IMPLICATIONS

8.1 It is the Council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.

8.2 It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer's opinion based on the information available, that the significant risks associated with this decision / project have been identified, assessed and that controls are in place to manage them effectively.

8.3 The following significant risks associated with this report / decisions were identified from this assessment:

Management of significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
Parish councils not being able to act.	Approval of this report to appoint councillors.	Julie Kenny

9. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

9.1- Impact on Parish Councils

10. CORPORATE IMPLICATIONS

10.1 By submitting this report, the report author has taken the following into account:

- Community Safety implications
- Environmental implications
- ICT implications
- Asset Management implications
- Procurement implications
- Human Resources implications

- Planning implications
 - Data Protection implications
 - Voluntary Sector
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Background papers: None

Contact Officer: Steve Atkinson Ext 5606
Executive Member: Councillor Amanda Wright

**HINCKLEY AND BOSWORTH BOROUGH COUNCIL
LOCAL GOVERNMENT ACT 1972 (“The 1972 Act”) SECTION 91
REPRESENTATION OF THE PEOPLE ACT 1983 (“The 1983 Act”)
SECTION 39(1)**

**CADEBY PARISH COUNCIL (APPOINTMENT OF MEMBERS)
ORDER 2015**

WHEREAS:

1. By virtue of Section 39(1) of the 1983 Act if, at a local election, an insufficient number of persons remain validly nominated to fill the vacancies, the Returning Officer shall order an election to fill any vacancy which remains unfulfilled
2. In the elections for seats on Cadeby Parish Council held on 7th May 2015, (“the May 2015 election”) insufficient numbers of persons remained validly nominated to fill the vacancies in respect of which the May 2015 election was held.
3. The Returning Officer for the Borough of Hinckley and Bosworth has ordered an election on 25th June 2015 to fulfil any unfilled vacancies
4. Section 91 of the 1972 Act provides that where there are so many vacancies in the office of parish councillor 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

NOW THEREFORE

1. Hinckley and Bosworth Borough Council, pursuant to the provisions in section 91 of the 1972 Act, makes the following order
 - a) The following persons are appointed to act as parish councillors for Cadeby Parish Council until the first meeting of the Cadeby Parish Council after the 25th June 2015 or until a sufficient number of elected councillors for Cadeby Parish Council have taken up office, whichever shall be later
 - Mr Jonathan Lane
 - Mr Ian Smith
 - Dr Simon Freeman

b) The requirement in the 1972 Act Schedule 12 Part II paragraph 7(2) (that the first meeting of the Council shall be held on or within 14 days after the date on which councillors at the ordinary election take office) is modified to secure that the first meeting of Cadeby Parish Council shall be held on 29th May 2015.

2. This order comes into force on the date given below

Dated 19th May 2015

Authorised officer

**HINCKLEY AND BOSWORTH BOROUGH COUNCIL
LOCAL GOVERNMENT ACT 1972 (“The 1972 Act”) SECTION 91
REPRESENTATION OF THE PEOPLE ACT 1983 (“The 1983 Act”)
SECTION 39(1)**

**NAILSTONE PARISH COUNCIL (APPOINTMENT OF MEMBERS)
ORDER 2015**

WHEREAS:

1. By virtue of Section 39(1) of the 1983 Act if, at a local election, an insufficient number of persons remain validly nominated to fill the vacancies, the Returning Officer shall order an election to fill any vacancy which remains unfulfilled
2. In the elections for seats on Nailstone Parish Council held on 7th May 2015, (“the May 2015 election”) insufficient numbers of persons remained validly nominated to fill the vacancies in respect of which the May 2015 election was held.
3. The Returning Officer for the Borough of Hinckley and Bosworth has ordered an election on 25th June 2015 to fulfil any unfilled vacancies
4. Section 91 of the 1972 Act provides that where there are so many vacancies in the office of parish councillor 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

NOW THEREFORE

1. Hinckley and Bosworth Borough Council, pursuant to the provisions in section 91 of the 1972 Act, makes the following order
 - a) The following persons are appointed to act as parish councillors for Nailstone Parish Council until the first meeting of the Nailstone Parish Council after the 25th June 2015 or until a sufficient number of elected councillors for Nailstone Parish Council have taken up office, whichever shall be later
 - Mr Ray Hale
 - b) The requirement in the 1972 Act Schedule 12 Part II paragraph 7(2) (that the first meeting of the Council shall be held on or

within 14 days after the date on which councillors at the ordinary election take office) is modified to secure that the first meeting of Nailstone Parish Council shall be held on 4th June 2015.

2. This order comes into force on the date given below

Dated 19th May 2015

Authorised officer

**HINCKLEY AND BOSWORTH BOROUGH COUNCIL
LOCAL GOVERNMENT ACT 1972 (“The 1972 Act”) SECTION 91
REPRESENTATION OF THE PEOPLE ACT 1983 (“The 1983 Act”)
SECTION 39(1)**

**STANTON UNDER BARDON PARISH COUNCIL (APPOINTMENT OF
MEMBERS) ORDER 2015**

WHEREAS:

1. By virtue of Section 39(1) of the 1983 Act if, at a local election, an insufficient number of persons remain validly nominated to fill the vacancies, the Returning Officer shall order an election to fill any vacancy which remains unfulfilled
2. In the elections for seats on Stanton under Bardon Parish Council held on 7th May 2015, (“the May 2015 election”) insufficient numbers of persons remained validly nominated to fill the vacancies in respect of which the May 2015 election was held.
3. The Returning Officer for the Borough of Hinckley and Bosworth has ordered an election on 25th June 2015 to fulfil any unfilled vacancies
4. Section 91 of the 1972 Act provides that where there are so many vacancies in the office of parish councillor 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

NOW THEREFORE

1. Hinckley and Bosworth Borough Council, pursuant to the provisions in section 91 of the 1972 Act, makes the following order
 - a) The following persons are appointed to act as parish councillors for Stanton under Bardon Parish Council until the first meeting of the Stanton under Bardon Parish Council after the 25th June 2015 or until a sufficient number of elected councillors for Stanton under Bardon Parish Council have taken up office, whichever shall be later
 - Mr John Palmer
 - Mr Ian Briggs

- Mr John Geary
- b) The requirement in the 1972 Act Schedule 12 Part II paragraph 7(2) (that the first meeting of the Council shall be held on or within 14 days after the date on which councillors at the ordinary election take office) is modified to secure that the first meeting of Stanton under Bardon Parish Council shall be held on 2nd June 2015.

2. This order comes into force on the date given below

Dated 19th May 2015

Authorised officer

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