

# ANNUAL COUNCIL

19 MAY 2011

\*PART 1 – PUBLIC DOCUMENT

AGENDA ITEM No.

**7**

**TITLE OF REPORT: DISTRICT COUNCIL ELECTIONS – 5 MAY 2011**

REPORT OF THE RETURNING OFFICER

**1. SUMMARY**

- 1.1 The purpose of this report is to formally advise the Council of the results of the recent district and parish elections and to assist the Council to consider an issue which has arisen within the parish of Bygrave.

**2. FORWARD PLAN**

- 2.1 This report does not contain a recommendation on a key decision and has not been referred to in the Forward Plan.

**3. BACKGROUND**

- 3.1 The Returning Officer is required to report to the Council the results of elections conducted by the Returning Officer which take place within the area of the Council. The results of the elections held on 5 May are set out at Appendix A.

**4. ISSUES**

- 4.1 The minimum number of seats on a parish council is five. No business may be transacted at a parish council unless at least one-third of the whole number of members of the council is present and never less than three (LGA 1972, Sch.12 paras 12, 28).
- 4.2 Only two nominations for election to the parish of Bygrave were received. Consequently, no contested election was held and the council contains just two Members and is unable to function. The Returning Officer is now required to give notice of a further election (RPA 1983 s39 (1)).
- 4.3 In the event that the parish council remains inquorate after the second election, it is recommended that the Council (NHDC) intervenes to co-opt the Democratic Services Manager and any other persons as necessary. The aim would be to co-opt suitable persons from the local community to fill the vacant seats and continue the business of the parish as normal.

## **5. LEGAL IMPLICATIONS**

- 5.1 Should Bygrave Council remain inquorate after the second election, the RPA 1983 s39 (4) provides that a district council may by order make any appointment or do anything which appears to them necessary to properly constitute the parish council.

## **6. CONSULTATION**

- 6.1 The Bygrave Parish Clerk has been consulted.

## **7. FINANCIAL AND RISK IMPLICATIONS**

- 7.1 There are none.

## **8. HUMAN RESOURCE AND EQUALITY IMPLICATIONS**

- 8.1 A minimal amount of work would need to be undertaken by the Democratic Services Manager which will have no effect on other duties.

## **9. RECOMMENDATIONS**

- 9.1 That the Council receives the results of the elections held within the District of North Hertfordshire on 5 May 2011, as set out at Appendix A to this report.
- 9.2 That, in the event that Bygrave Parish Council remains inquorate after a second election is notified, the Chief Executive be delegated to make the necessary order co-opting the Democratic Services Manager and other persons as necessary as Members of Bygrave Parish Council.
- 9.3 That in the event of a contested election taking place all costs shall be recharged to the parish of Bygrave, in accordance with the current Scale of Fees and Charges.

## **10. REASONS FOR RECOMMENDATIONS**

- 10.1 To enable the Council to receive the election results and facilitate a quorum on Bygrave Parish Council.

## **11. APPENDICES**

- 11.1 Appendix A - Results of elections held on 5 May 2011.

## **12. CONTACT OFFICER**

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