

**To the Chair and Members of the
ELECTIONS & DEMOCRATIC STRUCTURES COMMITTEE**

**URGENT ACTION TAKEN IN ACCORDANCE WITH COUNCIL PROCEDURE
RULE 36 – TEMPORARY APPOINTMENT OF MEMBERS TO HIGH MELTON
PARISH COUNCIL**

EXECUTIVE SUMMARY

1. This report confirms action taken in accordance with Council Procedure Rule 36 (Urgent Decisions) in March 2016 to appoint Councillors Cynthia Ransome and Jonathan Wood on a temporary basis to High Melton Parish Council for the purpose of attending a meeting to establish a quorum and enable the Parish Council to make the necessary appointments to its membership.

RECOMMENDATIONS

2. The Committee is asked to note the urgent action taken in accordance with Council Procedure Rule 36 by the Assistant Director Legal and Democratic Services on 17 March 2016, in consultation with the Chair of the Elections and Democratic Structures Committee (EDSC), as outlined in this report.

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?

3. Where a Parish Council is inquorate the EDSC may make appointments to the Parish Council on a temporary basis to enable it to carry out its business. Doncaster Council's Constitution allows for this function to be delegated to the Chief Executive, the Director of Finance and Corporate Services or the Assistant Director Legal and Democratic Services.

BACKGROUND

4. Following the resignation of three members of the High Melton Parish Council, a notice of vacancy was published between 21st January and 10th February 2016. No request for an election was received. Under these circumstances the usual practice would be for the Parish Council to co-opt to the outstanding vacancies. However, at that time, there were only 2 members on the Parish Council and 3 members were required to establish a quorum. The Parish Council was therefore unable to make the necessary co-options.
5. The legislation and the Council's Constitution provide for these circumstances and allows Doncaster Council to appoint members on a temporary basis to a Parish Council to enable it to carry out its business. This function is delegated to the EDSC, the Chief Executive, the Director of Finance and Corporate Services and the Assistant Director Legal and Democratic Services.

6. As there was no meeting of the EDSC scheduled until 12th July 2016 , the Assistant Director Legal and Democratic Services consulted with the Chair of EDSC and agreed to take this decision under the Council Procedure Rule 36 urgency provisions.
7. Guidance on this issue recommends that consideration should be given to appointing the relevant ward Member(s) to any such vacancies as they have a democratic link and understanding of the local area. Following consultation with the Chair of EDSC, it was therefore recommended that both Councillors from the Sprotbrough Ward (which includes High Melton within its boundary), Councillors Jonathan Wood and Cynthia Ransome, be appointed to the Parish Council for this purpose. These appointments were made on a temporary basis for the purpose of enabling the Parish Council to make the necessary co-options and were to cease with immediate effect once the Parish Council had re-established a quorum.
8. Subsequently, at its meeting held on 11th April 2016, High Melton Parish Council was able to appoint 3 co-opted members on to its membership and therefore re-gained a quorum to allow it to conduct its business.

OPTIONS CONSIDERED AND REASON FOR RECOMMENDED OPTION

9. Option 1 - To do nothing. The Parish Council would not have been able to function effectively and represent local residents.
10. Option 2 - Make the relevant appointment to the Parish Council by appointing local ward Councillors. This was the preferred option. Local ward Councillors already serve the residents of High Melton as part of their ward Councillor duties. Once the Parish Council was quorate it was able to co-opt to its outstanding vacancies and discharge its functions.

IMPACT ON THE COUNCIL'S KEY OUTCOMES

11. The urgent action described in this report contributed towards the Council's outcome 'Working with our partners we will provide strong leadership and governance', by ensuring that effective governance arrangements were in place at High Melton Parish Council.

RISKS & ASSUMPTIONS

12. Had this urgent action not been taken, High Melton Parish Council would not have been able to convene any formal meetings and therefore discharge its functions, including finalising accounts and appointment of a Clerk.

LEGAL IMPLICATIONS

13. The legal powers that supported this action are contained in the following legislation:

Representation of the People Act 1983 Section 39(4)b

If a parish or community council is not properly constituted because an election is not held or is defective or for any other reason, the district councilmay by

order make any appointment or do anything which appears to them necessary or expedient for the proper holding of such an election or meeting and properly constituting the council.

Local Government Act 1972 Section 91

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.

FINANCIAL IMPLICATIONS

14. There are no specific financial implications arising from this report.

TECHNOLOGY IMPLICATIONS

15. There are no specific technology implications arising from this report.

EQUALITY IMPLICATIONS

16. There are no specific equality implications associated with this report. The Ward Members appointed to the Parish Council represent all residents within the area including those with protected characteristics.

CONSULTATION

17. Consultation was carried out with the Sprotbrough Ward Members and the Chair of the EDSC in taking the action outlined in this report.

BACKGROUND PAPERS

CPR 36 Decision Record and Order dated 17 March 2016.

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