

REPORT TO COUNCIL

Open				
Any especially affected Wards		Mandatory		
West Winch				
Lead Member: Cllr B Long E-mail: cllr.brian.long@west-norfolk.gov.uk		Other Cabinet Members consulted:		
		Other Members consulted:		
Lead Officer: Ray Harding E-mail: ray.harding@west-norfolk.gov.uk Direct Dial: 01553 616245		Other Officers consulted: Democratic Services Manager, Monitoring Officer, Electoral Services Manager		
Financial Implications No	Policy/Personnel Implications NO	Statutory Implications YES	Equal Impact Assessment NO	Risk Management Implications NO

Date of meeting: 29 November 2018

DECLARATION OF VACANCY

Summary

A vacancy in the West Winch ward has arisen and Council is asked to declare the vacancy.

Council is required to make a declaration of vacancy for the ward under s86(1) Local Government Act 2016.

Recommendation

That Council:

1. Notes that Baljinder Anota has ceased to be a member of this authority;
2. Declares as vacant the office held by Baljinder Anota as a councillor for the West Winch ward;
3. Notes that as the vacancy has fallen within 6 months of the scheduled Borough Council election on 2 May 2018 the position will be held vacant.

Reason for Decision

It is a Statutory requirement

1. Introduction

To note that Cllr Anota ceased to be a councillor by virtue of his absence and to formally declare a vacancy in the West Winch Ward.

2. Background

Cllr Anota has not attended a meeting of the authority for six months. Under section 85 of the Local Government Act 1972 if a councillor fails throughout a period of six consecutive months from the date of his/her last attendance to attend any meeting of the authority, he/she shall,

unless the failure was due to some reason approved by Council before the expiry of that period, cease to be a member of the authority.

Section 86 of the Local Government Act 1972 requires an authority to declare a vacancy in such circumstances.

3. Attendance

Cllr Anota last attended a meeting of the Borough Council on 10 May 2018 when he attended the Annual Council meeting. He therefore had until midnight on 10 November 2018 to attend a further meeting to avoid the effect of section 85 set out in paragraph two of this report.

Officers have undertaken thorough checks of attendance records and minutes of meetings. There is no record of Cllr Anota attending a meeting between 10 May 2018 and 10 November 2018. Within that period Council has not given its approval to any reason for failure to attend and therefore Cllr Anota ceased to be a councillor by virtue of section 85 of the Local Government Act 1972.

4. Declaration of Vacancy

Section 86(1)(c) of the Local Government Act 1972 provides that where a councillor ceases to be a member of the authority by reason of failure to attend meetings of the authority, the authority shall, except in any cases in which a declaration has been made by the High Court, forthwith declare the office to be vacant. This is a statutory duty on the Council. Officers recommend that Council declares the vacancy.

5. Next steps

Under section 87(1) (f) of the Local Government Act 1972 the vacancy is deemed to be the date on which Council declares the vacancy – 29 November 2018. Public notice of the vacancy must be given immediately after this declaration.

Section 89 of the Local Government Act 1972, provides that where a casual vacancy is declared, the Returning Officer will make arrangements for the election to that vacancy to be held in accordance with the statutory timetable. As the vacancy has fallen within 6 months of the scheduled Borough Council elections on 2 May 2018 it is proposed to leave the position vacant until that date.

6. Financial Implications to the Council

Basic Allowance will no longer be payable.

7. Legal Implications to the Council

As set out in the body of the report

8. Background Papers

None