

Name of meeting: Council

Date: 13 September 2017

Title of report: Declaration of Vacancy for Batley East Ward

Purpose of report

To note that Ms Amanda Stubley has ceased to be a Councillor as a result of her absence, to formally declare a vacancy in the Batley East Ward and to note a by-election will be held to fill the vacancy

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	N/A
Key Decision - Is it in the Council's Forward Plan (key decisions and private reports)?	N/A
The Decision - Is it eligible for "call in" by Scrutiny?	N/A
Date signed off by Director & name Is it also signed off by the Service Director for Finance, IT and Transactional Services? Is it also signed off by the Service Director - Legal Governance and Commissioning?	
Cabinet member portfolio	N/A

Electoral wards affected: Batley East

Ward councillors consulted: N/A

Public or private: Public

1. Summary

1.1 Ms Stubley 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 the Council before the expiry of that period, cease to be a member of the authority.

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

2. Information required to take a decision

2.1 Ms Stubley last attended a meeting of the Council on 15 February 2017 when she attended the Budget Council meeting. She therefore had

until midnight 15 August 2017 to attend a further meeting to avoid the effect of section 85 set out at paragraph 1.1.

- 2.2 Officers have undertaken thorough checks of records and minutes of meetings. There is no record of Ms Stubley attending a meeting between 15 February 2017 and 15 August 2017. Within that period Council has not given its approval to any reason for failure to attend and therefore Ms Stubley ceased to be a councillor by virtue of Section 85 of the Local Government Act 1972.

Declaration of Vacancy

- 2.3 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. In this case no declaration has been made by the High Court. This is a statutory duty of the Council and it is therefore required that Council declares the vacancy.

3. Implications for the Council

3.1 Early Intervention and Prevention (EIP)

N/A

3.2 Economic Resilience (ER)

N/A

3.3 Improving Outcomes for Children

N/A

3.4 Reducing demand of services

N/A

3.5 Other Implications

N/A

4. Consultees and their opinions

Chief Executive

5. Next steps

- 5.1 For the purposes of filling a casual vacancy of office in relation to the election under section 87(1)(f) of the Local Government Act 1972, the vacancy is deemed to be the date on which the authority declares the vacancy. For the avoidance of doubt, this date will be 13th September 2017. Public notice of the vacancy must be given immediately after this declaration.

6. Officer recommendations and reasons

6.1 That Council notes that Ms Stubley has ceased to be a member of this authority by reason of her absence

6.2 That Council declares as vacant the office held by Ms Stubley as a councillor for the Batley East ward

6.3 That Council notes a by-election will be held to fill the vacancy

7. Cabinet portfolio holder recommendation

N/A

8. Contact officer

Julie Muscroft – Service Director – Legal, Governance and Commissioning (Monitoring Officer)

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9. Background Papers and History of Decisions

None

10. Service Director responsible

Julie Muscroft – Service Director – Legal, Governance and Commissioning (Monitoring Officer)