

**COUNCIL**

**30 January 2019**

**Declaration of Vacancy – Washington South Ward**

**Report of the Head of Law and Governance**

**1. Purpose of report**

- 1.1 To note that Mr Paul Middleton ceased to be a Councillor by virtue of his absence and to formally declare a vacancy in the Washington South ward.

**2. Background**

- 2.1 Under section 85 of the Local Government Act 1972 (the Act), 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.

- 2.2 Section 86 of the Act requires an authority to declare a vacancy in such circumstances.

**3. Attendance of Mr Paul Middleton**

- 3.1 Mr Middleton last attended a meeting of the Council on 6 June 2018 when he attended a meeting of the Health and Wellbeing Scrutiny Committee. He therefore had until midnight on 6 December 2018 to attend a further meeting to avoid the effect of section 85 of the Act, as referred to above.
- 3.2 Officers have undertaken thorough checks of attendance records and minutes of meetings. There is no record of Mr Middleton attending a meeting between 7 June and 6 December 2018. Within that period Council has not given its approval to any reason for failure to attend and therefore Mr Middleton ceased to be a councillor by virtue of section 85 of the Act.

**4. Declaration of vacancy**

- 4.1 Under Section 86(1)(c) of the Act, 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 and it is therefore recommended that Council declares the vacancy.

## **5. Next steps**

5.1 Under section 87(1) (f) of the Local Government Act 1972 the vacancy is deemed to be the date on which Council declares it – 30 January 2019. Public notice of the vacancy must be given immediately after this declaration, however, where a casual vacancy occurs within six months before the day on which the councillor whose office is vacant would have retired in the ordinary course of events, an election shall not be held unless the total number of unfilled vacancies exceeds one third of the total membership of the Council. As this vacancy has occurred within the time period referred to, it will be filled at the next ordinary election on 2<sup>nd</sup> May 2019.

## **6. Recommendation**

6.1 That Council notes that Mr Middleton has ceased to be a member of this authority by virtue of his absence and declares the seat in the Washington South Ward as vacant.

## **7. Background Papers**

None.