

REPORT TO: Council

DATE: 5 September 2018

REPORTING OFFICER: Chief Executive

SUBJECT: Declaration of Vacancy

WARDS: Ditton

1.0 PURPOSE OF THE REPORT

- 1.1 To note that Shaun Osborne ceased to be a Councillor by virtue of section 85 of the Local Government Act 1972, not having attended a Council meeting for more than 6 months, and to formally declare a vacancy in Ditton Ward.

2.0 RECOMMENDATION: That Council

- 1) Notes that Shaun Osborne has ceased to be a Member of the authority;**
- 2) Declares as vacant the office held by Shaun Osborne as a Councillor for the Ditton Ward; and**
- 3) Gives public notice that a by-election will be held to fill the vacancy.**

3.0 SUPPORTING INFORMATION

- 3.1 Shaun Osborne has not attended a meeting of the authority for more than 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, unless the failure was due to some reason approved by the Council before the expiry of that period, ceases to be a Member of the authority.
- 3.2 Section 86 of the Local Government Act 1972 requires an authority to declare a vacancy in such circumstances.
- 3.3 Shaun Osborne last attended a meeting of the Council on 20 February 2018, when he attended the meeting of the Safer Policy and Performance Board. He therefore had until midnight on 20 August 2018 to attend a further meeting to avoid the effect of Section 85, as set out in paragraph 3.1 of this report, being applicable.
- 3.4 A thorough check of attendance records and minutes of meetings has been undertaken. There is no record of Mr Osborne attending a meeting

between 20 February and 20 August 2018. Within that period, the Council has not given its approval to any reason for failure to attend and therefore Mr Osborne ceased to be a Councillor by virtue of Section 85 of the Local Government Act 1972.

4.0 DECLARATION OF VACANCY

4.1 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 where a declaration has been made by the High Court, forthwith declare the office to be vacant. This is a statutory duty on the Council.

4.2 It is recommended that Council declares the vacancy.

5.0 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 the Council declares the vacancy – i.e. 5 September 2018. Public notice of the vacancy must be given immediately after this declaration.

6.0 FINANCIAL IMPLICATIONS

6.1 The declaration of a vacancy would result in the calling of a by-election which would have financial implications for the Council.

7.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

7.1 Children and Young People in Halton

None

7.2 Employment, Learning and Skills in Halton

None

7.3 A Healthy Halton

None

7.4 A Safer Halton

None

7.5 Halton's Urban Renewal

None

8.0 RISK ANALYSIS

The Council must comply with the legal requirement to declare a vacancy in the circumstances set out in this report.

9.0 EQUALITY AND DIVERSITY ISSUES

There are no specific implications arising from the report. As indicated in paragraph 3.1, there is scope for the Council to approve failure to attend prior to the expiry of the six month period, but this cannot be done retrospectively.

10.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

None under the meaning of the Act.