

PLYMOUTH CITY COUNCIL

Subject: Declaration of vacancy: Southway Ward
Committee: City Council
Date: 17 May 2013
Cabinet Member:
CMT Member: Tim Howes (Assistant Director for Democracy and Governance)
Author: Tim Howes Assistant Director for Democracy and Governance
Contact details: tim.howes@plymouth.gov.uk
Ref:
Key Decision: n/a
Part: 1

Purpose of the report:

To inform Council of the requirement to declare a casual vacancy in office for a Member for the Southway Ward

Corporate Plan 2012 – 2015:

None

Implications for Medium Term Financial Plan and Resource Implications:

Including finance, human, IT and land:

The council will have to hold an un-budgeted election. This will be funded from existing departmental resources.

Other Implications: e.g. Child Poverty, Community Safety, Health and Safety and Risk Management: None

Equality and Diversity:

Has an Equality Impact Assessment been undertaken? No

Recommendations and Reasons for recommended action:

That the Council declares a casual vacancy for a Member in the Southway Ward.

The reason is that the Council is required by statute to forthwith declare the office to be vacant.

Alternative options considered and rejected:

None, since the council is required by statute to declare the office vacant forthwith.

Published work / information:

None

Background papers:

Title	Part I	Part II	Exemption Paragraph Number						
			1	2	3	4	5	6	7
None									

Sign off:

Fin	mc1 213. 09	Leg	173 82/ DV S	Mon Off	TH	HR		Assets		IT		Strat Proc	
Originating SMT Member - Monitoring Officer													
Has the Cabinet Member(s) agreed the content of the report? Yes / No													

1.0 Introduction

- 1.1 Section 85 of the Local Government Act 1972 provides that if a Member of a local authority fails throughout a period of six consecutive months from the date of their last attendance to attend any meeting of the authority, they shall, unless the failure was due to some reason approved by the local authority before the expiry of that period, cease to be a Member of the authority.
- 1.2 Under Section 86 of the Local Government Act 1972, where a Member of the local authority ceases to be a Member by reason of failure to attend meetings of the authority, the council shall forthwith declare the office to be vacant.
- 1.3 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.

2.0 Information

- 2.1 Councillor Thomas Browne was elected to the council as a Member for the Southway Ward on the 7 May 2010
- 2.2 The last meeting attended by Councillor Browne was the Licensing Committee meeting on the 30 October 2012.
- 2.3 The council has not approved a reason for Councillor Browne's non-attendance prior to the expiry of his six months absence from meetings.
- 2.4 Councillor Browne therefore ceased to be a member of the council after 30 April 2013, and the council is now required 'forthwith' to declare his office to be vacant.