

Reports

Declaration of Vacancy – Sandhill Ward**Report of the Head of Law and Governance****1. Purpose of report**

1.1 To note that Mrs Jacqui Gallagher ceased to be a Councillor by virtue of her absence and to formally declare a vacancy in the Sandhill ward.

2. Background

2.1 Mrs Gallagher 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.

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

3. Attendance of Mrs Jacqui Gallagher

3.1 Mrs Gallagher last attended a meeting of the City Council on 12 May 2016 when she attended the Extraordinary meeting of the Council to award the Freedom of the City to Mr James Montgomery BEM and Mr John Hays. She therefore had until midnight on 12 November 2016 to attend a further meeting to avoid the effect of section 85 set out in paragraph two of this report.

3.2 Officers have undertaken thorough checks of attendance records and minutes of meetings. There is no record of Mrs Gallagher attending a meeting between 13 May and 12 November 2016. Within that period Council has not given its approval to any reason for failure to attend and therefore Mrs Gallagher ceased to be a councillor by virtue of section 85 of the Local Government Act 1972.

4. 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 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 the vacancy – 23 November 2016.
Public notice of the vacancy must be given immediately after this declaration.

6. Recommendation

6.1 That Council notes that Mrs Gallagher has ceased to be a member of this authority by virtue of her absence and declares the seat in the Sandhill Ward as vacant.

7. Background Papers

None.