

**GENERAL ASSEMBLY OF THE COUNCIL  
25 JULY 2022**

**DECLARATION OF CASUAL VACANCY – COUNCILLOR  
FAILURE TO ATTEND MEETINGS**

1. Summary

1.1 To consider the appropriate action to take when a Member fails to attend a meeting for six consecutive months and to recommend accordingly.

2. RECOMMENDATION

2.1 That, where a Member ceases to be a councillor by reason of their failure to attend a meeting throughout a period of six consecutive months from the date of their last attendance, unless the failure was due to some reason approved by the Council before the expiry of that period, the Chief Officer and Director of Corporate Services be granted delegated authority to immediately declare the office of councillor vacant, under notification to all Councillors.

3. Background and Discussion

3.1 Section 85(1) of the Local Government Act 1972 (the 1972 Act) states that if a Member fails throughout a period of six consecutive months from the date of their last attendance to attend any meeting of the Council<sup>1</sup>, unless the failure was due to some reason approved by the Council before the expiry of that period, the Member will **cease to be a councillor**.

The wording highlighted in bold clarifies that while failure to attend any meetings for six consecutive months leads to that person ceasing to be a councillor, it does not automatically create a casual vacancy for electoral purposes at that point.

3.2 Section 86 of the 1972 Act makes clear that where a Member ceases to be a councillor by reason of failure to attend meetings, their office should immediately, promptly and without delay, be declared vacant.

Therefore, a casual vacancy does not occur until the office is *declared vacant*.

3.3 The Council's current practice is to report the vacancy to the next meeting of the GAC. This therefore creates a delay between the person ceasing to be a councillor and the vacancy occurring, as it is dependent on the date of the next GAC meeting.

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<sup>1</sup>Meetings include meetings of the GAC, Cabinet, committees, boards and panels and meetings of bodies of which the Member is the Council's representative e.g. a joint committee, joint board or other body discharging the Council's functions or who were appointed to advise the Council on any matter relating to the discharge of its functions

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3.4 To avoid any delays in declaring the vacancy, it is recommended that the Chief Officer and Director of Corporate Services (the Council's Proper Officer) be granted delegated authority to declare the office of councillor vacant. By delegating authority to the Proper Officer, any such vacancies can be declared in the timely manner anticipated by the legislation.

3.5 Once the Council has declared the office to be vacant, it is required to immediately give public notice of the casual vacancy. The notice of vacancy must be posted in some conspicuous place or places within the Council's administrative area and in such other manner, if any, as appears to the Council to be desirable for giving publicity to the notice<sup>2</sup>.

#### 4. Relationship to the Corporate Plan

The Council has an ongoing commitment to good corporate governance, which supports effective decision-making.

#### 5. Financial, legal, staffing and other administrative implications and risk assessments

Financial Implications	None specifically
Legal Implications	As detailed in the body of the report.
Public Sector Equality Duty	None specifically
Crime & Disorder Duty	None specifically
Climate Change	None specifically
Staffing Implications	None specifically
Administrative Implications	None specifically
Risk Assessment	A lack of a suitable set of practices will hinder the Council's efficiency and effectiveness.

#### 6. Details of Exempt Information Category

Not applicable

#### 7. Appendices

Not applicable

#### BACKGROUND PAPERS

<u>Documents consulted</u>	<u>Date / File Ref</u>	<u>Report Author</u>	<u>Section and Directorate</u>	<u>Exempt Information Category</u>
		Head of Legal Services	Legal Services Corporate Services	N/A

<sup>2</sup> Sections 87(2)(b) and 232 Local Government Act 1972