

**Committee: Annual Council**

**Agenda Item**

**Date: 21 May 2013**

**10**

**Title: Vacation of office by failure to attend meetings**

**Author: John Mitchell, Chief Executive and Returning Officer**

Item for information

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## Summary

1. Mr David Crome, elected as Councillor for Felsted in May 2011, has not attended any meetings for six consecutive months and, under the provisions of the Local Government Act, 1972, is no longer a Member of the Council. A Notice of Vacancy has been issued and a by election will be held in due course.

## Recommendations

2. That the report is noted

## Financial Implications

3. None directly arising from the creation of the vacancy. There is a budget for holding elections.

## Background Papers

4. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.

None

## Impact

- 5.

Communication/Consultation	A Notice of Vacancy has been issued
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	None
Sustainability	None

Ward-specific impacts	Felsted
Workforce/Workplace	A by-election will need to be arranged, managed and staffed

## Situation

6. Section 85(1) of the Local Government Act, 1972, states that “if a member of a local authority fails throughout a period of six consecutive months from the date of his last attendance to attend any meeting of the authority, he shall, unless the failure was due to some reason approved by the authority before the expiry of that period, cease to be a member of the authority.”
7. Meetings are defined for this purpose by s85(2) which states: “Attendance as a member at a meeting of any committee or sub-committee of the authority, or at a meeting of any joint committee, joint board or other body by whom for the time being any of the functions of the authority are being discharged, or who were appointed to advise the authority on any matter relating to the discharge of their functions, and attendance as representative of the authority at a meeting of any body of persons, shall be deemed for the purposes of subsection (1) above to be attendance at a meeting of the authority.”
8. Mr David Crome was elected as one of two Members for the Felsted ward in May 2011. He has attended no meetings since full Council on 2 October 2012. This absence has not been approved by the Council. Consequently the office of Member for Felsted is now vacant and a by-election will be held in due course.

## Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
Attendance in the prescribed time period may have been overlooked	1 – Records are kept of attendance at meetings	4 – residents would be erroneously deprived of representation	Attendance record has been confirmed with Mr Crome which corresponds with Officers’ records of attendance.

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.