
HURWORTH WARD CASUAL VACANCY

Responsible Director – Ada Burns, Chief Executive and Returning Officer

SUMMARY REPORT

Purpose of the Report

1. To declare a casual vacancy for a Councillor for the Hurworth Ward.

Summary

2. This report outlines the requirement for the Council to declare a casual vacancy in office for a Member for the Hurworth Ward.

Recommendation

3. That it be noted that the Council is declaring a casual vacancy for a Member in the Hurworth Ward.

Reason

4. To meet legislative requirements.

**Ada Burns
Chief Executive and Returning Officer**

Background Papers

No background papers were referred to in the compilation of this report.

Linda Todd : Extension 2354

S17 Crime and Disorder	This report has no implications for crime and disorder.
Health and Well Being	There are no issues which this report needs to address.
Carbon Impact	There are no issues which this report needs to address.
Diversity	There are no issues which this report needs to address.
Wards Affected	Hurworth Ward
Groups Affected	Electorate of Hurworth Ward
Budget and Policy Framework	This report does not affect the budget or policy framework. There is however budget implications in the cost of a by-election.
Key Decision	This is not a key decision.
Urgent Decision	This is an urgent decision.
One Darlington: Perfectly Placed	The report has no impact.
Efficiency	There are no efficiencies.

MAIN REPORT

Background

5. 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 his/her last attendance to attend any meeting of the authority, he/she 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.

Information and Analysis

6. Councillor Martin Swainston was first elected to the Council as a Member for the Hurworth Ward on 8th September, 2005.
7. The last meeting attended by Councillor Swainston was the Council meeting on 21st July, 2011.
8. The Council has not approved a reason for Councillor Swainston's non-attendance prior to the expiry of his six months absence from meetings.
9. Councillor Swainston therefore ceased to be a Member of the Council on 21st January, 2012. Under Section 86 of the Local Government Act 1972, where a Member of a local authority ceases to be a Member by reason of failure to attend meetings of the authority, the Council 'shall forthwith declare his office to be vacant'.
10. 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.

Conclusion

11. In accordance with legislative requirements, the Council must declare a casual vacancy if a Member fails to attend meetings. This report therefore details the reasons for the declaration of a vacancy in the Hurworth Ward.