



GOVERNANCE COMMITTEE

15 January 2014

Subject Heading:

VACATION OF OFFICE BY FORMER
COUNCILLOR MARK LOGAN

CMT Lead:

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Report Author and contact details:

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Policy context:

Local Government Act 1972

Financial summary:

There is no financial impact on the
Council

The subject matter of this report deals with the following Council Objectives

Ensuring a clean, safe and green borough	<input type="checkbox"/>
Championing education and learning for all	<input type="checkbox"/>
Providing economic, social and cultural activity in thriving towns and villages	<input type="checkbox"/>
Valuing and enhancing the lives of our residents	<input type="checkbox"/>
Delivering high customer satisfaction and a stable council tax	<input checked="" type="checkbox"/>

SUMMARY

This report sets out the circumstances which led to the vacation of office by former Councillor Mark Logan.

The report also explains that as the vacancy occurred less than six months before the next round of local council elections (May 2014), there is no requirement for a by-election to take place.

RECOMMENDATIONS

That the Committee note the report.

REPORT DETAIL

- 1.1 Section 85 of the Local Government Act 1972 ('the Act') states 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, including committee and sub-committees, s/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.
- 1.2 Former Councillor Mark Logan had not attended any Council or Committee meetings since the Annual Council meeting on 22 May 2013.
- 1.3 Council could only have considered approval of any reasons for non-attendance before the end of the relevant six month period, which would have been 21 November 2013. Whilst it is publicly known that Mr Logan is suffering from a serious medical condition, he did not submit grounds for permitted absence to the Council for it to consider. Therefore, as of 22 November 2013 he was no longer a member of this Council.
- 1.4 Once a Councillor loses office, through failure to attend for the six months period, the disqualification cannot be overcome by the Councillor subsequently resuming attendance nor can retrospective approval of the Council be sought.
- 1.5 As the vacancy arose within six months of the date on which that Councillor's term of office was due to expire, the rules states that the election will take place at the next ordinary election, and not by way of a by-election.

IMPLICATIONS AND RISKS

Financial implications and risks:

There are no direct financial implications and risks

Legal implications and risks:

The legal implications and risks are covered in the body of the report.

Human Resources implications and risks:

There are no direct human resources implications and risks

Equalities implications and risks:

There are no direct equalities implications and risks

BACKGROUND PAPERS

None