

# **Delegation of Authority to the Council's General Purposes Committee**

Report of the Corporate Portfolio Holder

## **Recommended:**

**That authority is delegated to the Council's General Purposes Committee to declare vacancies of office in accordance with section 87 of the Local Government Act 1972.**

### **SUMMARY:**

- In certain circumstances where a person ceases to be a member of a local authority a formal declaration of that vacancy must be made before public notice of the vacancy can be published.
- This report recommends that authority is given to General Purposes Committee to make such declarations in situations which require it.

## **1 Introduction**

- 1.1 In certain circumstances where the office of Borough Councillor becomes vacant, the Council must formally declare the office to be vacant before notice of that vacancy can be advertised.
- 1.2 On order to enable such a declaration to be made speedily and efficiently in such circumstances it is recommended that the Council's General Purposes Committee is authorised to make the declaration in order that notice of the vacancy may be given.

## **2 Background**

- 2.1 When an office of Borough Councillor becomes vacant, in order to fill the vacancy and to comply with legislative requirements, public notice of that vacancy must be given.
- 2.2 In certain circumstances including the death, resignation or disqualification of a Councillor, legislation provides that notice can be given immediately.
- 2.3 However in other cases, the vacancy is deemed to arise (and can therefore be published) when the local authority declares the office vacant as required by section 87 of the Local Government Act 1972.
- 2.4 It is proposed that Council delegates authority to the Council's General Purposes Committee to make the declaration required in such circumstances.

- 2.5 This will enable declarations to be made in an agile and timely manner rather than waiting for a meeting of Full Council or convening a Special Council specifically for that purpose.

### **3 Options**

- 3.1 There are two options:

#### **3.2 Option 1**

Option 1 is to retain the current position.

#### **Option 2**

Option 2 is to delegate authority to make a declaration of vacancy in circumstances which require it to the Council's General Purposes Committee.

### **4 Option Appraisal**

- 4.1 Retaining the current position (Option 1 would have the effect that where a Borough Councillor ceased to be a member of the Council for a reason requiring a declaration of vacancy, that declaration (and the publishing of it) would have to wait until one of the scheduled meetings of Full Council or a Special Council would need to be convened specifically for that purpose.
- 4.2 A meeting of General Purposes Committee (in circumstances where there is not a convenient scheduled meeting) is far more readily convened than a meeting of Full Council enabling declarations of vacancy to be made without delay and the vacancy to be published at the earliest opportunity. Option 2 is therefore the recommended option.

### **5 Risk Management**

- 5.1 A Risk Management questionnaire has been completed and indicates this report does not require a risk assessment because the changes/issues covered by this report are not significant in terms of risk or have previously been considered.

### **6 Resource Implications**

- 6.1 There are no resource implications of the proposed Option.

### **7 Legal Implications**

- 7.1 There are no legal implications of the proposed Option. A resolution of Full Council is required to authorise General Purposes Committee to make declarations as set out in this report.

### **8 Equality Issues**

- 8.1 No potential for discrimination or adverse impact on those with protected characteristics is identified.

## 9 Other Issues

9.1 No other issues are identified.

## 10. Conclusion and reasons for recommendation

10.1 For the reasons set out in the above paragraphs it is recommended that that authority is delegated to the Council's General Purposes Committee to declare vacancies of office in accordance with section 87 of the Local Government Act 1972.

<u>Background Papers (Local Government Act 1972 Section 100D)</u>			
None			
<u>Confidentiality</u>			
It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.			
No of Annexes:	None	File Ref:	N/A
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