

DECLARATION OF VACANCY - MARGATE CENTRAL WARD

COUNCIL **11 October 2018**

Report Author **Director of Corporate Governance and Monitoring Officer**

Status **For Decision**

Classification: **Unrestricted**

Ward: **Margate Central Ward**

Executive Summary:

To note that Ian Venables has become disqualified for being a member of the authority under section 80 of the Local Government Act 1972, by virtue of his holding a paid office or employment or appointment with Thanet District Council.

Council is therefore required to formally declare a vacancy in the Margate Central Ward.

Recommendation(s):

1. Council notes that Ian Venables has become disqualified for being a member of this authority;
2. Council declares as vacant the office held by Ian Venables as a councillor for the Margate Central ward

CORPORATE IMPLICATIONS

Financial and Value for Money	There will be additional costs associated with any by-election, which will be contained within existing budgets.					
Legal	The Council is under a statutory duty to declare this vacancy.					
Corporate	There are no specific corporate implications. The disqualification will also impact on political proportionality.					
Equality Act 2010 & Public Sector Equality Duty	Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.					
	Protected characteristics: age, gender, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.					
	Please indicate which aim is relevant to the report.					
	<table border="1" style="width: 100%;"> <tr> <td style="width: 80%;">Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,</td> <td style="width: 20%;"></td> </tr> <tr> <td>Advance equality of opportunity between people who share a protected characteristic and people who do not share it</td> <td></td> </tr> <tr> <td>Foster good relations between people who share a protected characteristic and people who do not share it.</td> <td></td> </tr> </table>	Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,		Advance equality of opportunity between people who share a protected characteristic and people who do not share it		Foster good relations between people who share a protected characteristic and people who do not share it.
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	There are no specific equalities considerations in relation to this report.
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CORPORATE PRIORITIES (tick those relevant)✓	
A clean and welcoming Environment	
Promoting inward investment and job creation	
Supporting neighbourhoods	

CORPORATE VALUES (tick those relevant)✓	
Delivering value for money	
Supporting the Workforce	
Promoting open communications	X

1.0 Introduction and Background

- 1.1 Under section 80(1)(a) of the Local Government Act 1972 a councillor is disqualified from holding office if they hold any paid office or employment or appointment which are or may be made or confirmed by the local authority.
- 1.2. Section 86 of the Local Government Act 1972 requires an authority to declare a vacancy in such circumstances.
1. 3. Mr Venables applied for and has taken up a secondment with the council as a specialist to assist within the council's housing team in relation to rough sleeping. He took up this secondment position on the 1 August 2018.
- 1.4 This arrangement disqualified Cllr Venables from being a Thanet District Councillor, under Section 80(1)(a) of the Local Government Act 1972 with effect from 1 August 2018. Under the Act a councillor is disqualified from holding office as councillor, if they hold 'paid office or employment or an appointment' which is made or confirmed by the council. Advice has been sought from counsel and he confirms that the secondment arrangement is caught by Section 80(1)(a) of the Act and cited a similar situation which was considered by the High Court in 1999.
- 1.5 Section 86(1)(a) of the Local Government Act 1972 provides that where a councillor becomes disqualified for being a member of the authority, the authority shall, except in any cases in which a declaration has been made by the High Court, forthwith declare the office to be vacant. This is a statutory duty on the Council. Officers recommend that Council declares the vacancy.
- 1.6 Under section 87(1) (f) of the Local Government Act 1972 the vacancy is deemed to be the date on which Council declares the vacancy. Following this declaration, a notice of vacancy will be published.

Contact Officer:	Tim Howes, Director of Corporate Governance and Monitoring Officer
Reporting to:	Madeline Homer, Chief Executive

Background Papers

Title	Details of where to access copy
Section 80 Local Government Act 1972	http://www.legislation.gov.uk/ukpga/1972/70/contents

Corporate Consultation

Finance	Matt Sanham Finance Manager
Legal	Sophie Nartey Interim Head of Legal Services