

WAVERLEY BOROUGH COUNCIL

COUNCIL

19 MARCH 2019

Title:

NON-ATTENDANCE BY A COUNCILLOR FOR SIX MONTHS

**[Portfolio Holder: Cllr Julia Potts]
[Wards Affected: Hindhead]**

Summary and purpose:

To seek a resolution from Council that the Hindhead ward seat formerly occupied by Councillor Christiaan Hesse be declared vacant.

How this report relates to the Council's Corporate Priorities:

This report concerns Councillors' statutory duties to attend meetings in order to support the Council's ongoing business.

Equality and Diversity Implications:

There are no Equality and Diversity implications associated with this report.

Financial Implications:

There are no financial implications associated with this report.

Legal Implications:

The relevant legal implications are set out in the body of the report.

Background

1. Councillor Christiaan Hesse has not attended any meeting relating to the discharge of Council functions since attending the Value for Money and Customer Service Overview and Scrutiny Committee meeting on 10 September 2018.
2. Section 85(1) of the Local Government Act 1972 states that a Councillor will automatically cease to be a member of the authority if he or she fails throughout a period of six consecutive months from the date of their last attendance to attend any meeting of the authority.
3. However, that is subject to the caveat in section 85(1) – "unless the failure was due to some reason approved by the authority before the expiry of that period". The Act states that, should the Council deem any reason insufficient, or should no reason be provided, a Councillor will be automatically cease to be a member of the authority.

4. Therefore any Councillor in such a position must be given the opportunity to provide a reason for that absence, and to have that reason considered by the Council.
 5. Officers have attempted to contact Councillor Hesse in order to establish his reason(s) for not attending. That has proven unsuccessful and Councillor Hesse has not provided a reason for not having attended.
 6. Councillor Hesse therefore ceased to be a member of the Council on 10 March 2019.
 7. Under section 86 of the Act, the Council now needs to declare the ward seat vacant.
 8. Section 87 states that the casual vacancy must be publicised via a public notice as soon as possible following the meeting. Officers would put that into effect forthwith following any resolution. The seat would then remain vacant until the borough elections on 2 May 2019.
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Recommendation

It is recommended that the Council declares vacant the Hindhead ward seat formerly occupied by Councillor Christiaan Hesse.

Background Papers

There are no background papers (as defined by Section 100D(5) of the Local Government Act 1972) relating to this report.

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