

EARLEY TOWN COUNCIL

Minutes of an additional meeting of Earley Town Council held in the Council Chamber, Council Offices, Radstock Lane, Earley, Berkshire on Tuesday 7th January, 2014, which commenced at 7.00 pm.

Present

Chairman – The Mayor, Councillor Mrs L Chambers

Councillors J Armstrong, A Bradley, T Chambers, D Chopping, Ms M De Jong, Ms P Dunn, J Eastwell, M Firmager, G Grandison, D Hare, N. Holloway, T Holton, N Jorgensen, Mrs P Jorgensen (from 7.02 pm), T. Maher (from 7.06 pm), K Miall, N Page, Miss J Rance, A Thomas and B Wedge.

Apologies for absence were received from Councillors Mrs J Lissaman (holiday), Mrs A. Stuart (work commitment)

75. COUNCILLOR VACANCY

It was confirmed that this additional meeting had been convened to consider a single item of business, namely the calling of a vacancy consequent on a member ceasing to be a councillor through non-attendance.

Councillors were reminded that this matter had been discussed at the Meeting of the Council on 27th November 2013, when it was resolved that it should be deferred to this additional meeting of the Town Council to allow for the receipt of further information and advice.

The Town Clerk advised that he had received legal advice from two sources. As a result, he had written to the Member to confirm that she was being disqualified as a Councillor through non-attendance and that, as required under the terms of the Local Government Act 1972, the Town Council was responsible for declaring the resulting vacancy and this meeting was being convened for that purpose. This letter had been hand delivered on Christmas Eve to allow the Member the opportunity to make any representations before this meeting. The Town Clerk advised that no communication had been received.

Members' attention was drawn to the draft of Minute 66.1, which had been circulated with the Agenda, and which recorded the discussions which had taken place at the November meeting. This confirmed that, during the discussions, Councillors present at the Planning Committee Meeting on 16th July had been asked for their recollections or notes of that meeting. The Town Clerk confirmed that he had not received any further information.

The Town Clerk advised the meeting that the 2nd piece of advice which he had received was through the Society of Local Council Clerks who had advised that a Court Ruling would be required to change the Minutes. He confirmed that he considered that the Minutes of the 16th July Planning Committee Meeting were a true record and that the over-riding evidence was that the Member concerned had not been present at that meeting. Furthermore, the advice received from SLCC was that the Town Council was duty bound to declare a vacancy as soon as practical under Section 86 of the Local Government Act 1972

The Leader of the Council said that it was unfortunate that the Town Council was in this situation and, whilst the Member concerned says that she was present at the Planning Committee Meeting in question, the other information made available by Members in

attendance at that Meeting was not conclusive and therefore he considered that the Town Council should declare a vacancy.

He continued by saying that the Member apologised for the current situation and confirmed that she had enjoyed her time on the Council, but that she had been experiencing significant pressure from a degree course she was undertaking and thought she had attended sufficient meetings to ensure that she would not 'run out of time'.

A member present advised that similar situations had arisen in the past, when, prior to the limit for disqualification through non-attendance had been reached, the Town Council had agreed a dispensation for an extended leave of absence to meet specific personal needs. Unfortunately, this had not happened in this instance and he considered that the Town Council had no option but to follow the correct legal protocol. He said that in similar circumstances in the past, casual vacancies such as this had been filled by co-option and, since he considered that a by-election at the present time was not in the best interests of the Town Council, he asked the leaders of both political groups to consider together a co-option to the vacancy.

Another member present said that he regretted that the disqualification would result in the Councillor no longer being on the Town Council. With regard to the possibility of co-option to the vacancy created, he said he felt that there should be a by-election to allow all political parties to put forward a candidate if they so wished.

Following a question from a Member, the Town Clerk confirmed that the Town Council must formally call the vacancy and that the vacancy would have to be notified before there was any decision on whether or not it could be filled by co-option.

The Town Clerk then outlined the various stages which would occur once the vacancy had been formally notified. After further discussions, on the proposition of Cllr. N. Jorgensen, seconded by Cllr. B. Wedge, it was

UNANIMOUSLY RESOLVED that, as a result of Cllr. Miss S. Loyes ceasing to be a member due to non-attendance, a vacancy in St. Nicolas Ward be declared.

76. TERMINATION OF MEETING

The Meeting was declared closed at 7.13 pm