

COUNCIL

24 NOVEMBER 2020

REPORT OF CHIEF EXECUTIVE

A.3 **FORMER COUNCILLOR OVERTON – DISQUALIFICATION FROM OFFICE OF COUNCILLOR**

(Report prepared by Ian Ford)

I formally advise Council that Nicola Overton ceased to be a Member of the Council with effect from 7 October 2020.

By virtue of Section 85(1) of the Local Government Act 1972, if a Member of a Council fails throughout a period of six consecutive months from the date of their last attendance to attend any meeting of the authority, they 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 Council. This was therefore an automatic position in the circumstances set out in Section 85(1) of the 1972 Act.

For Nicola Overton, the period of six consecutive months referred to in Section 85(1) of the 1972 Act therefore concluded at the end of 6 October 2020. Nicola had not attended a meeting in that six month period to 6 October 2020 and Council did not approve her absence before the expiry of that period. Consequently, on 7 October she automatically ceased to be a Member of the Council.

The relevant declaration of vacancy in the office of District Councillor for West Clacton and Jaywick Sands Ward was given and the formal Notice of the vacancy was posted at the Town Hall and on the Council's website.

In accordance with the provisions of the Coronavirus Act 2020 and The Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020, the vacancy will be held open until the law provides for it to be filled at a by-election; which at the time of this report would be on Thursday 6th May 2021. This is the date for the scheduled elections to Essex County Council and the rescheduled date for the election of the Police, Fire and Crime Commissioner for Essex.

This item is submitted for **INFORMATION ONLY**.

IAN DAVIDSON
CHIEF EXECUTIVE

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**BACKGROUND PAPERS LIST FOR
REPORTS OF CHIEF EXECUTIVE**

A.3 FORMER COUNCILLOR OVERTON – DISQUALIFICATION FROM OFFICE OF COUNCILLOR

Declaration of a Vacancy in Office and in addition a Notice of a vacancy in the office of District Councillor for the West Clacton and Jaywick Sands Ward by reason of a declaration made by Tendring District Council on 8 October 2020 under Section 86(1)(c) of the Local Government Act 1972.