

TRAFFORD COUNCIL

Report to: Council
Date: 21 March 2018
Report for: Decision
Report of: Chief Executive

Report Title

Declaration of vacancy – Altrincham Ward

Summary

To note that Matthew Sephton has become disqualified for being a member of the authority by virtue of his conviction and imprisonment and to formally declare a vacancy in the Altrincham ward.

Recommendation(s)

That Council:

1. notes that Matthew Sephton has become disqualified for being a member of this authority;
2. declares as vacant the office held by Matthew Sephton as a councillor for the Altrincham ward; and
3. notes that the election for the ward will be held on 3 May.

Contact person for access to background papers and further information:

Name: Peter Forrester
Extension: 1815

Relationship to Corporate Priorities	None
Financial	None
Legal Implications	The Council is required to declare the seat vacant following the disqualification of Matthew Sephton.
Equality/Diversity Implications	None
Sustainability Implications	None
Staffing/E-Government/Asset Management Implications	None
Risk Management Implications	None
Health and Safety Implications	None

1.0 Background

1. Under section 80(1)(d) of the Local Government Act 1972 a councillor is disqualified from holding office if they are convicted of an offence and have passed on them a sentence of imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine.
2. Section 86 of the Local Government Act 1972 requires an authority to declare a vacancy in such circumstances.
3. Mr Sephton has been convicted of an offence and received a prison sentence of two years and nine months. The period for making an appeal or application with respect to the conviction and sentence has expired. He is therefore disqualified from holding office as a councillor.
4. Section 86(1)(b) 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.
5. 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.
6. Matthew Sephton would have served his four year term of office in May this year and therefore is affected by the 6 month rule. A notice of vacancy must be published even where no election can be held as a result of the rule. The notice will not include an invitation to electors to request a by-election but will include the date of the next scheduled election at which the seat is to be filled which is the 3 May 2018.