

BOROUGH OF KETTERING

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Report Originator	Ian White, Electoral Services Manager	<i>Fwd Plan Ref No:</i>	
Wards Affected	All Borough Council wards in the town of Kettering.	28th January 2019	
Title	CASUAL VACANCIES ON THE BOROUGH COUNCIL		

1. PURPOSE OF REPORT

To notify members of the Forum of the impact of the Northamptonshire (Changes to Years of Elections) Order 2018 on the filling of vacancies on Parish Councils.

2. INFORMATION

- 2.1 In the case of a vacancy occurring, the need for an election to be held is therefore precluded and the Council also has the opportunity to continue to function with the reduced number of members if it wishes. Clearly, there needs to be a sufficient number of members for that Council to be confident that it can continue to operate in that period and that should inform its decision regarding whether to co-opt or not.
- 2.2 The Order that postpones the date of elections to Borough/District and Town/Parish Councils in Northamptonshire came into force on 14th January 2019, and members of the Forum will be aware that the elections to Kettering Borough Council and Town/Parish Councils in the Borough's area due to be held in May 2019 have been cancelled.
- 2.3 If a member of a Council resigns, becomes disqualified or dies during the final 6 months of the Council's administrative term (i.e. between early November and early May) then that Council may fill the vacancy by co-option. This applies to the current year of administration for the Borough Council and all Town/Parish Council's in the Borough as it is the 4th year of their 4 year terms.
- 2.4 In view of this, officers are seeking guidance from the Ministry of Housing, Communities and Local Government (MHCLG) as to the impact of the above Order on the six month period as no mention of it is made in the content of the document.
- 2.5 Clarity is being sought as to the following:
- i. Is the six month period curtailed as of 14th January 2019 to come into force again in November 2019?
 - ii. Does the six month period become an eighteen month period following the implementation of the Order?

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iii. What happens to those seats on Parish/Town Councils that became vacant between November 2018 and 14th January 2019? (There were no vacancies occurring in that period on the Borough Council).

2.5 MHCLG officials have referred the matter to its legal team, and have committed to providing an answer at the earliest opportunity.

2.6 It should be noted that the situation outlined above would not apply to any vacancies that occur on Northamptonshire County Council, as elections to the County Council are not included in the Order. It does need to be established however, what the status of any County Council vacancies occurring in the six months prior to the new Unitary Councils coming into force would have.

3. **CONSULTATION AND CUSTOMER IMPACT**

None

4. **POLICY IMPLICATIONS**

To be determined.

5. **FINANCE and HR RESOURCE IMPLICATIONS**

None

6. **LEGAL IMPLICATIONS**

As detailed above.

7. **RECOMMENDATION**

Members of the Forum note the report.

Background Papers:

Northamptonshire (Changes to Years of Elections) Order 2018
Local Government Act 1972 S.89

Previous Reports/Minutes:

None

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