
Subject: DATE OF ANNUAL COUNCIL MEETING

Meeting and Date: COUNCIL – 27 MARCH 2019

Report of: Head of Governance

Classification: UNRESTRICTED

Purpose of the report: To rearrange the date of the Annual Council meeting

Recommendation:

- (a) That the date of the Annual Council meeting be changed from Wednesday 15 May 2019 to Thursday 16 May 2019.
- (b) That the date of the Licensing Committee meeting be changed from Wednesday 15 May 2019 to Thursday 16 May 2019.

1. Summary

This report seeks to change the date of the Annual Council meeting and the Licensing Committee meeting from Wednesday 15 May 2019 to Thursday 16 May 2019 to ensure that summons can be properly issued.

2. Introduction and Background

2.1 The arrangements for the retirement of non-metropolitan district councillors are set out in s.9(b) of the Local Government Act 1972 which states:

“(b) except where an order is in force providing for the election of councillors by thirds, the whole number of councillors shall retire together in every ordinary year of election of such councillors on the fourth day after the ordinary day of election of such councillors...”

2.2 In the case of the local elections to be held on Thursday 2 May 2019, the fourth day after the ordinary day of election would be Monday 6 May 2019. However, as this is a bank holiday, the provisions of s.243 of the Local Government Act 1972 would apply which states:

“(1) Where the day or the last day on which anything is required or permitted to be done by or by virtue of any provision to which this subsection applies is a Sunday, day of the Christmas break, of the Easter break or of a bank holiday break or a day appointed for public thanksgiving or mourning, the requirement or permission shall be deemed to relate to the first day thereafter which is not one of the days specified above.”

2.3 The definition of ‘bank holiday break’ is set out in s.270 of the Local Government Act 1972 as follows:

“‘bank holiday break’ means any bank holiday not included in the Christmas break or the Easter break and the period beginning with the last week day before that bank holiday and ending with the next week day which is not a bank holiday;”

In this instance the “last week day before the bank holiday” would be Friday 3 May 2019 and the period “ending with the next week day which is not a bank holiday” would be Tuesday 7 May 2019.

- 2.4 As a consequence, the Members of the 2015 - 2019 Council would retire on Wednesday 8 May 2019 and the new Members of the 2019 – 2023 Council would start on that day.
- 2.5 It would therefore not be possible to issue the summons on Tuesday 7 May 2019 for a Council meeting to be held on Wednesday 15 May 2019 as the 2019 – 2023 councillors would not yet have taken office. The earliest date that the Annual Meeting of Council could therefore be held would be Thursday 16 May 2019.
- 2.6 As the full Council set the date for the Annual Meeting of Council as 15 May 2019 at its meeting held on 23 May 2018, it is only for a meeting of the full Council to change this date.

3. **Identification of Options**

- 3.1 Option 1 – To change the date of the Annual Meeting of Council to Thursday 16 May 2019 at 6.00pm. The Licensing Committee meeting scheduled to take place at the conclusion of the Annual Council meeting to form the Licensing Sub-Committees would also need to be moved to Thursday 16 May 2019 as well.
- 3.2 Option 2 – To change the date of the Annual Meeting of Council to another date after 15 May 2019. However, the requirements of paragraph 1(2)(a) of Schedule 12 of the Local Government Act 1972 would apply as follows:

“The annual meeting of a principal council [...] shall be held—

(a) in a year of ordinary elections of councillors to the council, on the eighth day after the day of retirement of councillors or such other day within the twenty-one days immediately following the day of retirements as the council may fix;”

- 3.3 As previously mentioned, the date of retirement for councillors is Wednesday 8 May 2019 which means that the Annual Meeting of the Council must be held no later than Wednesday 29 May 2019.

4. **Evaluation of Options**

- 4.1 Option 1 is the preferred option as it has no impact on other meetings of the Council as set out in the Calendar of Meetings.
- 4.2 Option 2 would potentially require the adjustment of other dates in the Calendar of Meetings for May 2019 as it is for the Annual Meeting to appoint the committees and their memberships.

5. **Resource Implications**

- 5.1 There are no resource implications outside of existing budgets.

6. **Appendices**

None.

7. **Background Papers**

None.

Contact Officer: Rebecca Brough, Democratic Services Manager