

# Standing Orders Relating to the Holding of Office of Councillor

## 28.1 Qualification of Councillors

- (1) A person shall, unless disqualified by virtue of the Local Government Act 1972 or any other enactment, be qualified to be elected and to be a member of the Council if he is a British subject or a citizen of the Republic of Ireland and on the relevant day he has attained the age of 18 years and:
  - (a) he is and thereafter continues to be a local government elector for the City of Westminster; or
  - (b) he has during the whole of the twelve months preceding that day occupied as owner or tenant any land or other premises in the City of Westminster; or
  - (c) his principal or only place of work during the twelve months preceding that day has been in the City of Westminster; or
  - (d) he has during the whole of the twelve months preceding that day resided in the City of Westminster.
- (2) For the purposes of paragraph (1) "relevant day" in relation to any candidate means the day on which he is nominated as a candidate and also, if there is a poll, the day of election.

## 28.2 Ordinary Day of Election of Councillors

The ordinary day of election of councillors shall be the first Thursday in May or such day as may be fixed by the Secretary of State by order made not later than 1st February in the year preceding the first year in which the order is to take effect. (L.G.A. 1972 Sect. 43 and Sch.2).

## 28.3 Term of Office of Councillors

The term of office of councillors shall be four years and they shall retire together in every fourth year after election on the fourth day after the ordinary day of election of councillors. The newly elected councillors shall come into office on the day on which their predecessors retire. (L.G.A 1972, Sch.2 as amended by the London Councillors Order 1976).

## 28.4 Resignation of Lord Mayor or Councillor

A person elected to the office of Lord Mayor or Councillor may at any time resign his/her office by written notice signed by him and delivered to the Chief Executive and his resignation shall take effect upon the receipt of the notice by

the Chief Executive (L.G.A. 1972, Sect.84.)

### **28.5 Filling of Casual Vacancy in Office of Councillor**

- (1) A casual vacancy occurring in the office of councillor an election to fill the vacancy shall be held -
  - (a) In a case in which the High Court or the Council have declared the office to be vacant, within thirty-five days from the date of the declaration:
  - (b) In any other case, within thirty-five days after notice in writing of the vacancy has been given to the Chief Executive by two local government electors for the City.

(The period of thirty-five days specified in paragraphs (a) & (b) above excludes any Saturday and Sunday, Christmas Eve, Christmas Day, Maundy Thursday, Good Friday and any bank holiday).

- (2) The day of election to fill a casual vacancy shall be fixed by the returning officer (the Chief Executive).
- (3) Where a casual vacancy in any such office occurs within six months before the ordinary day of retirement from the office in which the vacancy occurs, an election shall not be held to fill the vacancy unless on the occurrence of the vacancy the total number of unfilled vacancies in the membership of the Council exceeds one third of the whole number of members; and where an election is not held, the vacancy shall be filled at the next ordinary election. (L.G.A. 1972, Section 89).

### **28.6 Election and Term of Office of Lord Mayor**

- (1) The Lord Mayor shall be elected annually by the Council from among the councillors of the City. The Lord Mayor shall, unless he resigns or becomes disqualified, continue in office until his successor becomes entitled to act as Lord Mayor. During his term of office the Lord Mayor shall continue to be a member of the Council notwithstanding the statutory provisions relating to the retirement of councillors. (L.G.A. 1972, Sch.2).
- (2) If, apart from paragraph (1) of this Standing Order, the Chairman at the annual meeting would have ceased to be a member of the Council, he shall not be entitled to vote in the election of Lord Mayor; except that in the case of equality of votes he shall give a casting vote. (L.G.A. 1972, Sch.2.)

### **28.7 Filling of Casual Vacancy in the Office of Lord Mayor**

On a casual vacancy occurring in the office of Lord Mayor, an election to fill the vacancy shall be held not later than the next ordinary meeting of the

Council held after the date on which the vacancy occurs, or if that meeting is held within fourteen days after that date, then not later than the next following ordinary meeting of the Council, and shall be conducted in the same manner as an ordinary election. (L.G.A. 1972, Section 88).

## **28.8 Members of Council not to be Appointed**

A person shall, so long as he is, and for twelve months after he ceases to be, a member of the Council, be disqualified for being appointed by the Council to any paid office, other than to the office of Lord Mayor or Deputy Lord Mayor. (L.G.A. 1972, Section 116).

## **28.9 Acceptance of Office**

- (1) The person elected to any of the following offices, that is to say, the office of Lord Mayor, Deputy Lord Mayor or councillor shall not, unless he/she has made a declaration of acceptance of office in a form prescribed by rules made by the Secretary of State, and the declaration has within two months from the date of the election been delivered to the Chief Executive, act in the office except for the purpose of taking such a declaration.
- (2) If such a declaration is not made and delivered to the Chief Executive within the appointed time, the office of the person elected shall at the expiration of that time become vacant. (L.G.A, Section 83).

## **28.10 Vacation of Office**

- (1) If a member of the Council fails throughout a period of six consecutive months from the date of his/her last attendance to attend any meeting of the Council, or in the case of a Cabinet Member, any meeting of the Cabinet, he shall, unless the failure was due to some reason approved by the Council before the expiry of that period, cease to be a member of the Council.
- (2) Attendance as a member at a meeting of any Committee or Sub-Committee of the Council, or at a meeting of any joint Committee, joint board or other body by whom for the time being any of the functions of the Council are being discharged, or who were appointed to advise the Council on any matter relating to the discharge of its functions, and attendance as representative of the Council at a meeting of any body of persons, shall be deemed to be attendance at a meeting of the Council. In the case of a Cabinet Member, the discharge of an executive function by that Cabinet member acting alone, or attendance at a meeting of a Cabinet Committee shall be deemed to be attendance at a meeting of the Cabinet.
- (3) A member of any branch of Her Majesty's naval, military or air forces when employed during war on any emergency on any naval, military or air force service, and a person whose employment in the service of

Her Majesty in connection with war or any emergency is such as, in the opinion of the Secretary of State, to entitle him to relief from disqualification on account of absence, shall not cease to be a member of the Council by reason only of a failure to attend meetings of the Council, or of a failure to attend meetings of the Cabinet, if the failure is due to that employment.

- (4) Any period during which a member of the City Council is suspended or partially suspended under section 66,73,78 or 79 of the Local Government Act 2000 shall be disregarded for the purpose of calculating the period of six consecutive months under (1) above (and, accordingly, a period during which a member fails to attend meetings of the authority or, as the case may be, meetings of the Cabinet, that falls immediately before, and another such period that falls immediately after, a period of suspension or partial suspension shall be treated as consecutive)."

### **28.11 Continuity of Business after an Election**

During the period between the retirement of Councillors following City Council Elections and the next Annual Meeting of the Council, the following provisions shall apply –

- (a) A Temporary Planning Applications Committee shall meet as required with authority to deal with all matters within the Terms of Reference of the Planning Applications Committee. The Committee will consist of four Members of the Council appointed by the Chief Executive.
- (b) A Temporary Licensing Committee shall meet as required with authority to deal with all matters within the Terms of Reference of the Licensing Sub-Committee. The Committee will consist of three members of the Council appointed by the Chief Executive.
- (c) The Chief Executive shall be authorised, to determine the time, date and place of the meeting of a Temporary Committee and to convene the meeting and in appointing Members shall have regard to the proportion of Members of political groups on the Council.
- (d) Except where they are inconsistent with the temporary arrangements set down herein, all Standing Orders shall apply to Temporary Committees.
- (e) Where the Chief Executive is of the opinion that a matter requires a decision between the date of the City Council elections and the next Annual Meeting of the Council (whether the matter relates to an executive function or a non-executive function) he/she may, having consulted such Members of the Council as he considers appropriate make the decision and authorise on an exceptional basis the relevant action.

## **28.12 Disclosure of Interests**

- (1) Members and Co-opted Members who have a Disclosable Pecuniary Interest, or any other interest required to be disclosed under the Council's Code of Conduct for Members, shall, having disclosed the interest and subject to paragraph (ii) below, withdraw from the meeting room for the duration of the consideration of the item of business including the debate and any related vote.
- (2) In cases where members of the public are allowed to attend a meeting Members and Co-opted Members may with the consent of the Chairman of the meeting, attend the meeting for the purposes of making representations, answering questions or giving evidence relating to the matter. Once the Member has finished making their submission, or the Chairman of that meeting decides that they have finished, the Member must leave the room and may not remain in the room during the discussion or vote on the matter.
- (3) Members must not when they have a Disclosable Pecuniary Interest seek to view or listen to the proceedings from the public gallery.