



Open Report on behalf of Andrew Crookham, Executive Director - Resources

Report to:	County Council
Date:	9 December 2022
Subject:	Result of By-Election for Spalding West Electoral Division

Summary:

The purpose of this item is to formally report to the County Council the outcome of the Lincolnshire County Council By-Election for Spalding West Electoral Division which is due to take place on 8th December 2022.

Recommendation(s):

That the Electoral Return as set out in Appendix A be noted.

1. Background

- 1.1 A By-Election for the Spalding West Electoral Division is due to take place on 8th December 2022 following the sad passing of Councillor Angela Newton MBE in August 2022. The County Council paid tribute to Cllr Newton at its previous meeting in September 2022.
- 1.2 At the time of writing this report the outcome of the By-Election is unknown, and this will be reported at the meeting.
- 1.3 Appendix A to this report will set out the formal notice of Return of Persons Elected for that division, and will be included in the order of proceedings published on 9th December 2022.

2. Legal Issues:

Equality Act 2010

Under section 149 of the Equality Act 2010, the Council must, in the exercise of its functions, have due regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act.

- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

Having due regard to the need to advance equality of opportunity involves having due regard, in particular, to the need to:

- Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic.
- Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it.
- Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to tackle prejudice, and promote understanding.

Compliance with the duties in section 149 may involve treating some persons more favourably than others.

The duty cannot be delegated and must be discharged by the decision-maker. To discharge the statutory duty the decision-maker must analyse all the relevant material with the specific statutory obligations in mind. If a risk of adverse impact is identified consideration must be given to measures to avoid that impact as part of the decision-making process.

There are no direct implications in relation the noting the result of the By-Election.

Joint Strategic Needs Assessment (JSNA and the Joint Health and Wellbeing Strategy (JHWS)

The Council must have regard to the Joint Strategic Needs Assessment (JSNA) and the Joint Health and Wellbeing Strategy (JHWS) in coming to a decision.

There are no direct implications for the JSNA or JHWS.

Crime and Disorder

Under section 17 of the Crime and Disorder Act 1998, the Council must exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment), the misuse of drugs, alcohol and other substances in its area and re-offending in its area.

There are no direct implications in relation to crime and disorder.

3. Conclusion

The County Council is requested to note the outcome for the Lincolnshire County Council By-Election due to be held on 8th December 2022 as set out in Appendix A to this report (circulated in the Order of Proceedings).

4. Legal Comments:

There are no legal implications arising from the recommendations of this report.

5. Resource Comments:

There are no material financial consequences arising from accepting the recommendation in this report.

6. Consultation

a) Has Local Member Been Consulted?

N/A

b) Has Executive Councillor Been Consulted?

N/A

c) Scrutiny Comments

N/A

d) Risks and Impact Analysis

N/A

7. Appendices

These are listed below and attached at the back of the report	
Appendix A	Electoral Return for Spalding West Electoral Division (to be circulated with the Order of Proceedings)

8. Background Papers

No background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report.

This report was written by Nicola Calver, Member Services Manager, who can be contacted on 07387 133755 or nicola.calver@lincolnshire.gov.uk.