

Agenda item:

Title of meeting: City Council

Date of meeting: 13 November 2018

Subject: Waiver of 6 month councillor attendance rule (Sec.85 Local Government Act 1972)

Report by: Chief Executive

Wards affected:

Key decision: No

Full Council decision: Yes

1. Purpose of report

The Local Government Act 1972 requires a member of a Local Authority to attend at least one meeting of that Authority within a six month consecutive period, otherwise they cease to be a member of the Authority. This requirement can be waived and the time limit extended if any failure to attend was due to a reason approved by the Authority, in advance of the six month period expiring.

Unfortunately, due to ill health Councillor Fleming has not been able to attend any Council or Committee meetings since the Planning Committee on 30 May 2018. A formal request from Councillor Vernon-Jackson has subsequently been received by the Chief Executive for an extension to the six month rule to be approved in the event that Councillor Fleming is unable to attend the Full Council meeting on 13 November. The requested extension is until 30 May 2019. Councillor Fleming has also notified the Chief Executive that he would appreciate an extension being granted.

2. Recommendations

That Council considers the request to extend Councillor Fleming's period of office beyond the six month period of non-attendance provided for within Section 85 (1) of the Local Government Act 1972 on the grounds of ill health. If minded to approve the request, the Council is recommended that the extension of time be for a period which expires at midnight on 30 May 2019.

3. Background

1. Section 85 (1) of the Local Government Act 1972 states that if a member of a local authority fails throughout a period of six consecutive months from the date of his last attendance to attend any meeting of the authority, they shall, unless

the failure was due to some reason approved by the authority before the expiry of that period, cease to be a member of the authority.

2. Council can only consider approval of any reasons for non-attendance before the end of the relevant six month period. For Councillor Fleming, this would be 30 November 2018 and if the Councillor is unable to attend any meetings of the Council by then (as detailed in 1 above), he would then cease to a member of the Authority at midnight on 30 November 2018.

The 13th November Council meeting is the final scheduled Council meeting at which approval could be sought for an extension of the time limit.

The extension request is for the reason of ill health. Should Councillor Fleming however be able to attend the Council meeting on 13 November, this request becomes redundant and this item will not then be put to the meeting.

4. Reasons for recommendations

To enable the Council to consider a request to extend Councillor Fleming's period of office in accordance with relevant legislation.

5. Equality impact assessment (EIA)

The contents of this report do not have any relevant equalities impact and therefore an equalities impact assessment is not required.

6. Legal Implications

Once any councillor loses office, through failure to attend for the six month period, the disqualification cannot be overcome by the councillor subsequently resuming attendance nor can retrospective approval of the Council be sought for an extension in time.

7. Finance Comments

There are no direct financial implications arising from this request as the Council is required to consider the formal request for an extension in time.

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Signed by:

Appendices:

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

| Title of document | Location |
|-------------------|----------|
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The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by on

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Signed by: