

**COUNCIL:**

**26 MAY 2016**

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**REPORT OF THE INTERIM MONITORING OFFICER**

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**URGENT ITEM - WAIVER OF 6 MONTH COUNCILLOR  
ATTENDANCE RULE**

**NOTE: The Chair of Council has certified that this matter should be dealt with under Urgent Business so that a decision on this matter is made in accordance with Section 85 (1) of the Local Government Act 1972 as the six month rule will come to an end on 2 June 2016.**

**Reason for this Report**

1. To enable Council to approve a request received for an extension to the six month Councillor attendance rule from Councillor Mohammad Javed in accordance with relevant legislation.

**Issues**

2. 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 their last attendance, to attend any meeting of the Authority they will, 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.” Attendance can be at any committee or sub-committee, or any joint committee, joint board or other body where the functions of the Authority are discharged or who were appointed to advise the Authority on any matter relating to the discharge of their functions.
3. Councillor Javed has not been able to attend any Council or Committee meetings since attending Economy & Culture Scrutiny Committee on 3 December, 2015 due to extended medical treatment.
4. A request has been received by the Interim Monitoring Officer for Full Council to consider approving an extension to the usual six month attendance rule enabling Councillor Javed to remain in office until he is able to resume normal duties.
5. The Council can only consider approval of any reasons for non-attendance before the end of the relevant six month period, which will end on Thursday 2 June 2016. It has been confirmed that Councillor Javed is unable to

attend the Annual Council on 26 May 2016 and therefore this report has been submitted to approve an extension of the usual six month rule.

6. Councillor Javed was elected to the Council in May 2012 and represents Plasnewydd ward. In addition to full Council, Councillor Javed serves as a member of the Economy and Culture Scrutiny Committee, but was unable to attend their meeting on 12 May 2016.

### **Legal Implications**

7. Section 85 (1) of the Local Government Act 1972 enables a Local Authority to approve the reason(s) for non-attendance of a Member at any meeting of the Authority throughout a period of six consecutive months, provided that approval is given by the Authority before the expiry of the six month period.
8. Annual Council on 26 May is the final qualifying meeting prior to the end of the six month period at which approval could be sought for an extension of the time limit.
9. If approval to any extension is not therefore agreed at this meeting Councillor Javed would, under Section 85 (1) of the Local Government Act 1972 be disqualified on 3 June, 2016 from the Office of a Councillor.
10. 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.

### **Financial Implications**

11. 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.

### **Recommendation**

1. that Council considers the request to approve the absence of Councillor Mohammad Javed pursuant to Section 85 (1) of the Local Government Act 1972 on the grounds of his ill-health and ongoing recovery;
2. if minded to approve the absence, an extension of time be granted for a further 6 month period, to expire on Thursday 1 December 2016;
3. the Chair of Council write on behalf of Members to Councillor Javed to express their good wishes whilst he is undergoing treatment.

**David Marr**  
**INTERIM MONITORING OFFICER**  
**24 May 2016**