

COUNCIL:

23 MAY 2019

**REPORT OF THE DIRECTOR OF GOVERNANCE & LEGAL
SERVICES & MONITORING OFFICER**

**SIX-MONTH COUNCILLOR ATTENDANCE RULE – APPROVAL OF
ABSENCE**

Reason for this Report

1. To enable Council to approve a request received for approval of absence under the six-month Councillor Attendance Rule 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.”

A Members' attendance can be at any Ordinary Council meeting, 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 its functions.

3. Councillor Timothy Davies has not been able to attend Full Council or other Committee meetings since the meeting of Full Council on 28 November 2018 due to ill-health and ongoing medical treatment.
4. A request has been received from the Conservative Group Leader on behalf of Councillor Davies for Full Council to consider approving the absence so as to enable Councillor Davies 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 28 May 2019. The Conservative Group Leader has advised that Councillor Davies may not be well enough to attend any meetings before the end of this period.

6. Should Councillor Davies be able to attend a meeting, or part of a meeting, on or before 28 May 2019, the request will be withdrawn.

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 23 May is the final qualifying meeting prior to the end of the six-month period at which approval may be sought for Councillor Davies' absence.
9. If approval is not agreed at this meeting and Councillor Davies' absence continues, he would, under Section 85 (1) of the Local Government Act 1972 be disqualified on 28 May 2019 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

RECOMMENDATIONS

The Council is recommended to

1. consider the request to approve the absence of Councillor Timothy Davies pursuant to Section 85 (1) of the Local Government Act 1972 on the grounds of his ill-health and ongoing recovery; and
2. if minded to approve the absence, to grant approval for a further 6 month period, to expire on 28 November 2019.

Davina Fiore
DIRECTOR OF GOVERNANCE & LEGAL SERVICES
16 May 2019

Background Papers

Email: Leader of Opposition Group to Democratic Services 13 May 2019