

MAIDSTONE BOROUGH COUNCIL

COUNCIL

2 MARCH 2011

REPORT OF THE HEAD OF DEMOCRATIC SERVICES

Report prepared by Debbie Snook

1. **NON-ATTENDANCE AT COUNCIL MEETINGS**

1.1 Issue for Decision

1.1.1 To review the approval of the reason for non-attendance at Council meetings by Councillor Miss Langley.

1.2 Recommendation of the Head of Democratic Services

1.2.1 That the approval of the reason of ill-health for non-attendance at Council meetings by Councillor Miss Langley be confirmed.

1.2.1 That the approval of the reason for absence be reviewed again at the meeting of the Council scheduled to be held on 22 June 2011.

1.3 Reasons for Recommendation

1.3.1 Section 85 of the Local Government Act 1972 states "...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, he 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."

1.3.2 Therefore, if a Councillor does not attend a meeting for six consecutive months they automatically cease to be a Councillor unless the Council approves the reason for the non-attendance before the six month period has elapsed.

1.3.3 Councillor Miss Langley has been absent from Council meetings since 17 July 2010 on the grounds of ill-health. The Council, at its meeting held on 15 December 2010, approved the reason of ill-health for Councillor Miss Langley's non-attendance in order to prevent her from ceasing to be a Member of the Authority in the event of her being unable to attend a meeting before 17 January 2011 (the expiry of the six month period). Since no reason for absence should be approved

without a time limit, the Council agreed that the approval of the reason should be reviewed at this meeting.

1.3.4 Councillor Miss Langley continues to suffer ill-health. It is therefore recommended that the Council confirm its approval of the reason of ill-health for Councillor Miss Langley's non-attendance and agree to review the position again at the meeting of the Council scheduled to be held on 22 June 2011.

1.4 Alternative Action and Why Not Recommended

1.4.1 The Council could decide not to confirm the approval of the reason for absence and to declare the seat vacant. However, Councillor Miss Langley would cease to be a Member of the Authority with immediate effect.

1.5 Impact on Corporate Objectives

1.5.1 None.

1.6 Risk Management

1.6.1 The report aims to manage the risk to Councillor Miss Langley of an extended period of absence from Council meetings.

1.7 Other Implications

1.7.1

- 1. Financial
- 2. Staffing
- 3. Legal
- 4. Equality Impact Needs Assessment
- 5. Environmental/Sustainable Development
- 6. Community Safety
- 7. Human Rights Act
- 8. Procurement
- 9. Asset Management

x

1.7.2 Legal – Should a Councillor fail to attend Council meetings for six consecutive months without an approved reason, he/she will cease to be a Member of the Authority.

1.8 Relevant Documents

1.8.1 Background Documents

Local Government Act 1972