

MAIDSTONE BOROUGH COUNCIL

COUNCIL

15 DECEMBER 2010

REPORT OF THE HEAD OF CHANGE AND SCRUTINY

Report prepared by Ryan O'Connell

1. NON-ATTENDANCE AT COUNCIL MEETINGS

1.1 Issue for Decision

- 1.1.1 To consider approving the reason for absence for a Councillor who has been unable to attend council meetings and is at risk of exceeding the six consecutive month requirement.

1.2 Recommendation of the Head of Change and Scrutiny

- 1.2.1 That the Council approve the reason of ill-health for non-attendance at council meetings by Councillor Langley; and

- 1.2.2 That the approval of the reason for absence be reviewed at the next ordinary meeting of the Council scheduled to be held in March 2011

1.3 Reasons for Recommendation

- 1.3.1 Councillor Langley has been absent from council meetings since 17 July 2010. Should she be unable to attend a meeting prior to 17 January 2011 she would exceed the six consecutive months set out in the Local Government Act 1972. As the next scheduled ordinary meeting of Council is in March 2011 a reason for absence needs to be approved at this meeting.
- 1.3.2 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"
- 1.3.3 Therefore if a Councillor does not attend a meeting for six consecutive months they automatically cease to be a Councillor unless Council approves the reason for the non-attendance before the six month period has elapsed.
- 1.3.4 As the reason for absence for Councillor Langley is on the grounds of ill-health Council is recommended to approve this reason for absence in order to prevent Councillor Langley from ceasing to be a member of the authority should she not be able to attend a meeting before 17 January 2011.

1.3.5 No reason for absence should be approved without a time limit and it is therefore recommended that the approval be reviewed at the next scheduled ordinary meeting of Council in March 2011.

1.4 Alternative Action and why not Recommended

1.4.1 The Council could decide not to approve the reason for absence, but should Councillor Langley be unable to attend a meeting by 17 January 2011 she would cease to be a member of the authority.

1.5 Impact on Corporate Objectives

1.5.1 None

1.6 Risk Management

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

1.7 Other Implications

1.7.1

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| 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 |

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1.7.2 Legal – should a Councillor fail to attend council meetings for six consecutive months without an approved reason they will cease to be a member of the authority.

1.8 Relevant Documents

1.8.1 Background Documents

Local Government Act 1972