

MAIDSTONE BOROUGH COUNCIL

COUNCIL

WEDNESDAY 5 MARCH 2014

REPORT OF HEAD OF POLICY AND COMMUNICATIONS

Report prepared by Angela Woodhouse

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 Policy and Communications

1.2.1 That the Council approve the reason of ill-health for non-attendance at Council meetings by Councillor Beerling.

1.2.2 That the approval of the reason for absence be reviewed at the Annual Meeting of the Council scheduled to be held on 7 June 2014.

1.3 Reasons for Recommendation

1.3.1 Councillor Beerling has been absent from Council meetings since 18 September 2013. Should he be unable to attend a meeting prior to 18 March 2014, he would exceed the six consecutive months set out in the Local Government Act 1972.

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 Beerling is on the grounds of ill-health, Council is recommended to approve this reason for absence

in order to prevent Councillor Beerling from ceasing to be a member of the authority should he not attend a meeting before 18 March 2014.

No reason for absence should be approved without a time limit and it is therefore recommended that the approval be reviewed at the Annual Meeting of the Council on 7 June 2014.

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 Beerling be unable to attend a meeting by 18 March 2014 he 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 Beerling of an extended period of absence from Council meetings leading to him ceasing to be a Councillor

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 they will cease to be a member of the authority.