

Report to Council



Date of Meeting	13 October 2021
Portfolio	Cabinet Member for Finance and Corporate
Report Author	Michael Garraway
Public/Private Document	Public

Non Attendance at meetings

Executive Summary

1. Council is required to consider and authorise an absence from attendance at meetings in accordance with S85 (1) of the Local Government Act 1972.
 - 1.1 Where a member is unable to attend any meeting of the authority for a period of 6 consecutive months following the date of their last attendance, they automatically cease to be a member of the authority, unless Council has resolved to approve a reason for an extended absence.

Recommendation

2. That Council resolves, having regard to the circumstances of the absence of Councillors Hornby from Council meetings, to waive the requirements of Section 85 (1) of the Local Government Act 1972, for a period of six months.

Reason for Recommendation

3. This is a matter for Full Council to determine.

Key Points for Consideration

4. S85 (1) of the Local Government Act 1972 provides that “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/she 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 that authority”. For the purposes of the legislation, ‘meetings of the authority’ includes Committee and Sub-Committee meetings
- 4.1 Without a resolution of the Council under S85 (1) of the 1972 Act, Councillors Hornby would cease to be Councillor’s as of 4 November 2021. A by-election to fill the casual vacancies would be required to fill the vacancy. Council can only consider a reason to waive the requirements of the 1972 Act prior to the end of the 6 month period. This cannot be approved retrospectively.
- 4.2 Councillor Hornby’s on going associated medical problems have proven to restrict her ability to attend an in person meeting since the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, ceased to be in force. While being unable to access meetings, Councillor Hornby has demonstrably continued to undertake their duties as local ward members dealing with constituents’ complaints and enquiries and liaising with Council officers on their behalf.

Alternatives Considered

- 4.3 Council could resolve not to approve the reason for absence and not waive the requirements of the 1972 Act

Costs and Budget Summary

5. There are no financial implications at this stage.

Risk and Policy Implications

6. Should any Councillor lose 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.

Consultation

7. No consultation has been undertaken.

Background Papers	Place of Inspection
8. There are no background papers to the report	Not applicable.
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