

Report for: Full Council 19 March 2020

Title: Attendance at meetings of an authority by a Member

Report authorised by : Zina Etheridge, Chief Executive

Lead Officer: Ayshe Simsek, Acting Democratic Services & Scrutiny Manager
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Ward(s) affected: N/A

**Report for Key/
Non Key Decision:** N/A

1. Describe the issue under consideration

- 1.1 To seek the approval of Full Council to extend the six month rule for attendance at meetings for a further three month period for a Member who has been unable to attend Council Committee meetings due to ill health.

2. Cabinet Member Introduction
N/A

3. Recommendations

That Full Council:

- 3.1 Note that Councillor Justin Hinchcliffe has been unable to attend Council Committee meetings due to ill health, and the last meeting Councillor Hinchcliffe attended was 10th of December 2019;
- 3.2 Agree that on the basis of continued ill health, Councillor Hinchcliffe will continue to be a Member of this Council even if he does not attend a meeting of this local authority (as defined in section 85(2) of the Local Government Act 1972) by 9th of June 2020; and
- 3.3 Agree that Councillor Hinchcliffe has until 8th of September to attend a meeting of the authority (as defined in section 85(2) Local Government Act 1972) failing which he will cease to be a Member.

4. Reasons for decision

- 4.1 The Council are requested to approve the above recommendations to allow Councillor Hinchcliffe the opportunity to recover from a period of ill health, and retain his membership on the Council.

5. Alternative options considered

- 5.1 The Council could choose not to approve the recommendations as set out at 3.1 and 3.2, which would result in the cessation of Councillor Hinchcliffe's membership on the Council should he not attend a meeting of the local authority by 9th of June 2020.

6. Background information

- 6.1 Paragraph 11.19 of the Member's Allowance Scheme advises that a Member who is sick will continue to receive the basic allowance as long as they remain a Councillor. They will also continue to receive any SRA for a six month period. Extension of this period of leave will require prior 2 months' written notice to be given to the Political Leader of the respective political group. If the extended leave is agreed by that Political Leader, a report will be compiled to seek approval from full Council, before the point of the 6 months' leave expiry, for the extension of this leave. This is in accordance with section 85 of the 1972 Local Government Act.
- 6.2 The Acting Democratic Services & Scrutiny Manager was notified that due to ill health Councillor Justin Hinchcliffe had not been able to attend any meetings of the authority, as a councillor, since 10th of December 2019. The Chief Executive and Monitoring Officer were subsequently notified. He has been in regular contact with the Party Whip, Councillor Cawley-Harrison, since this time.
- 6.3 Section 85 Local Government Act 1972 provides that subject to certain requirements, a Member ceases to be a Member of the authority if he/she fails to attend a meeting of a local authority throughout a period of six months beginning with his/her last attendance at a meeting unless the failure was due to some reason approved by the authority before the expiration of the six months. Therefore, if Councillor Hinchcliffe fails to attend a meeting of the authority by 9th of June 2020 he ceases to be a Member of the authority unless the Council agrees in advance of this date to extend that period due to his continued ill health. If the authority (Full Council) agrees this in advance of the expiration of this six month period then automatic vacation would not occur.
- 6.4 Section 85(2) Local Government Act 1972 defines what is meant by a meeting of the authority and includes full Council and all committees and subcommittees of the authority. Section 85(2) Local Government Act 1972 states
- “(2) Attendance as a Member at a meeting of any committee or sub-committee of the authority, or at a meeting of any joint committee, joint board or other body by whom for the time being any of the functions of the authority are being discharged, or who were appointed to advise the authority on any matter relating to the discharge of their functions, and attendance as representative of the authority at a meeting of any body of persons, shall be deemed for the purposes of subsection (1) above to be attendance at a meeting of the authority.”

7. Statutory Officers comments

Finance

- 7.1 Councillor Hinchcliffe would continue to receive his Member Allowance payment, which is provided for in the current budget and would have no further budgetary impact.

Legal

- 7.2 The legal provisions and implications are set out in the body of this report.

8. Use of Appendices

N/A

9. Local Government (Access to Information) Act 1985

- 9.1 The following papers have been used in the preparation of this report:
- Local Government Act 1972
 - Council Constitution