

SUBJECT: EXTENSION OF SIX MONTH ATTENDANCE RULE

DIRECTORATE: CHIEF EXECUTIVE AND TOWN CLERK

REPORT AUTHOR: CAROLYN WHEATER, CITY SOLICITOR

1. Purpose of Report

1.1 To consider a dispensation under the six month rule under the Local Government Act 1972 and to excuse the non-attendance of Councillor Keith Weaver.

2. Background

2.1 Section 85 (1) of the Local Government Act 1972 states that “if a member of a Local Authority fails, throughout a period of six consecutive months from the date of their last attendance, to attend any meeting of the Authority they will, unless the failure was due to some good reason approved by the Authority before the expiry of that period, cease to be a member of the Authority.”

2.2 Attendance can be at any committee or sub-committee, or any joint committee, joint board or other body where the functions of the Authority are discharged or who were appointed to advise the Authority on any matter relating to the discharge of their functions. This requirement can be waived and the time limit extended if any failure to attend was due to a reason approved by the Authority, in advance of the six month period expiring.

2.3 Councillor Keith Weaver represents the Witham Ward. Due to ill health, Councillor Weaver has been prevented from undertaking normal duties and has not attended a meeting since 9 April 2019.

2.4 The Conservative Group has requested that Council approves an extension to the six month rule on the grounds that Councillor Weaver’s non-attendance throughout that period has been due to ill health and, as a consequence, has not been able to attend meetings.

2.5 Should any member lose office through failure to attend for the six month period, the disqualification cannot be overcome by the member subsequently resuming attendance nor can retrospective approval of the Council be sought for an extension in time. If the Council decided not to approve an extension Councillor Weaver would need to attend another meeting by 9 October 2019, otherwise a casual vacancy would arise.

3. Recommendation

- 3.1 To consider approval of a dispensation for Councillor Keith Weaver from attending meetings of the Council in order to avoid Councillor Weaver potentially ceasing to be a member of the authority under Section 85 of the Local Government Act 1972.

Is this a key decision? No

Do the exempt information categories apply? No

Does Rule 15 of the Scrutiny Procedure Rules (call-in and urgency) apply? No

How many appendices does the report contain? None

List of Background Papers: None

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