
Elected member absence from meetings

Full Council

Date of meeting: 24 November 2022

Lead director/officer: Kamal Adatia, Monitoring Officer

Useful information

- Ward(s) affected: Saffron
- Report author: Kamal Adatia / Matthew Reeves

1. Purpose of report

To consult with the Council to determine whether or not an approval is to be granted for the continued absence of Councillor Shelton prior to the expiry of a period of six months since he last attended at Council, a Committee, Sub-Committee or as a representative of the Authority. If not granted, the Council must forthwith declare Councillor Shelton's seat vacant immediately the six months period has been reached (8th February 2023) if no meeting is attended.

2. Recommended actions/decision

- 2.1 Approve the waiver of the six-month attendance rule provided for within Section 85(1) of the Local Government Act for Councillor Bill Shelton due to illness.
- 2.2 Having regard to the extenuating circumstances arising from Councillor Shelton's illness, Members are asked to grant an extension of time until the date of the next local election, 4th May 2023.

3. Scrutiny / stakeholder engagement

None.

4. Detailed report

- 4.1 The Local Government Act 1972 (Section 85) provides that, if a Member of a local authority, through a period of six consecutive months from the date of his/her last attendance, does not attend any meeting of the authority, he/she ceases to be a Member of the Authority. A 'meeting of the authority' in this case refers to a formal meeting, which would typically be open to the public, such as a Scrutiny or regulatory meeting.
- 4.2 If, however, the Member's non-attendance is due to some reason approved by the Authority before the expiry of the period, then such cessation does not take place.
- 4.3 Councillor Shelton's last attendance was at the Heritage, Culture, Leisure and Tourism Scrutiny Commission on 9th August 2022. Having regard to the above legal provisions, Councillor Shelton will be disqualified unless he is able to attend a relevant meeting before 8th February 2023.
- 4.4 Councillor Shelton's absence has been caused by medical conditions which have heavily restricted his mobility. He is however undertaking some casework in the ward where possible. His co-councillor in the Ward has worked cooperatively to ensure that Ward matters have been picked up and addressed.

4.5 When such circumstances have arisen in recent years for Councillors, Council approved an extension of non-attendance past the six months period stipulated in the Local Government Act 1972 (Section 85) with the position being reviewed prior to the expiry of the extension.

5. Financial, legal, equalities, climate emergency and other implications

5.1 Financial implications

Councillor Shelton is in receipt of the standard members' basic and travel and subsistence allowances.

Colin Sharpe, Deputy Director of Finance

5.2 Legal implications

The Legal implications are contained within the report.

Kamal Adatia, City Barrister and Head of Standards

6. Background information and other papers:

None

7. Summary of appendices:

None

8. Is this a private report (If so, please indicate the reasons and state why it is not in the public interest to be dealt with publicly)?

N/a

9. Is this a "key decision"? If so, why?

No