



Leicester
City Council

**WARD AFFECTED:
CHARNWOOD WARD**

**FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:
CABINET
COUNCIL**

**19 November 2001
29 November 2001**

ELECTED MEMBER ABSENCE FROM MEETINGS

**Report of the Town Clerk and
Director of Corporate Resources**

1. Purpose of Report

Prior to the expiry of a period of six months since the last attendance by Councillor Vaz at Council, a Committee, Sub-Committee or as a representative of the authority, to enable the Council to determine whether or not it wishes to grant an approval to the continued absence of Councillor Vaz. If not granted, the Council must forthwith declare Councillor Vaz's seat vacant immediately the six months period has been reached.

2. Summary

- 2.1. 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, she/he ceases to be a member of the authority.
- 2.2. 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. It is not necessary for there to be any application (although the provision seems to presuppose one) and the Council may act of its own volition.
- 2.3. Attendance at Council, Committees, Sub-Committees or as representative of the authority is counted as attendance at a meeting of the authority. (Note: care must be taken in interpreting "representative". The word has a meaning different from appointee and the constitution of any such body needs to be consulted to ensure that a Councillor acts as a representative as distinct from merely being appointed to a body.)
- 2.4. If a Member does not attend a meeting through the consecutive six months period and the Council does not grant an approval before the expiry of the period, the Council must forthwith declare the office vacant (Local Government Act, 1972, Section 86) and for the purpose of filling the casual vacancy, the vacancy is deemed to occur on the date they do so.

- 2.5. Having regard to the above Regulations, Councillor Vaz will fall into difficulty unless she is able to attend either a meeting of a Scrutiny or Regulatory Committee during the remainder of November or the November Council Meeting.
- 2.6. Councillor Vaz's absence has been caused by long-term illness and current hospitalisation.
- 2.7. When such circumstances last arose for another Councillor, 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 a further four months.

3. 2.7. Recommendations

- 3.1. Having regard to the extenuating circumstances arising from Councillor Vaz's illness, Members are recommended to grant an extension of time for Councillor Vaz.
- 3.2. If minded to approve such extension, it is recommended that the position be reviewed prior to the expiry of a further four months.

4. Financial and legal Implications

Councillor Vaz is in receipt of the standard Members Basic Allowance.

The legal implications are as contained within the report (Peter Nicholls, Head of Legal Services).

5. Report Author/Officer to contact:

Charles Poole
Assistant Town Clerk
extn. 7015