



Leicester
City Council

WARD AFFECTED:
CROWN HILLLS WARD

FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:
CABINET
COUNCIL

15 January 2001
25 January 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 Nasim 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 Nasim. If not granted, the Council must forthwith declare Councillor Nasim'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, and the provisions for one more Council Meeting, on 25 January 2001, prior to the Budget Meeting on 7 March 2001, Councillor Nasim may fall into difficulty unless he is able to attend either the January 2001 Council Meeting or a meeting of a Scrutiny or Regulatory Committee (the last meeting he attended being on 6 September 2000).

2.6. Councillor Nasim's absence has been caused by long-term illness and hospitalisation.

2.7. The issue has been discussed by the Group Whips, who took the view that, having regard to the extenuating circumstances, Members may wish to consider granting an approval for an extension of period. Time constraints dictate that this will need to be considered by the Cabinet during January, for a Report to then be submitted to the Full Council Meeting on 25 January 2001.

2.8. Subject to Council delegation, future consideration of extensions of time could be referred to the Standards Committee, when established. (A similar practice has been adopted in other Authorities.).

3. Recommendations

3.1. Having regard to the extenuating circumstances, as considered by the Group Whips, Members are recommended to grant an extension of time for Councillor Nasim.

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.

3.3. Council is recommended to delegate consideration of extensions of time to the Standards Committee, when established.

4. Financial and legal Implications

Councillor Nasim 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:

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