
Elected member absence from meetings

Full Council

Date of meeting: 25 November 2021

Lead director/officer: Kamal Adatia, Monitoring Officer

Useful information

- Ward(s) affected: Evington
- 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 Govind 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 Govind's seat vacant immediately the six months period has been reached (7th January 2022).

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 Ratilal Govind due to illness.
- 2.2 Having regard to the extenuating circumstances arising from Councillor Govind's illness, Members are asked to grant an extension of time until the end of the current municipal year, 19 May 2022.

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.
- 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 The Executive functions within the Council's constitution delegate the granting of any such approval under Section 85 of the Local Government Act 1972 to the Monitoring Officer on consultation with the Council.
- 4.4 Councillor Govind's last attendance was at Council on 8th July 2021. Having regard to the above legal provisions, Councillor Govind will be disqualified unless he is able to attend a relevant meeting before 7th January 2022.
- 4.5 Councillor Govind's absence has been caused by a medical condition requiring intensive treatment. His co-councillors in the Ward have worked cooperatively to ensure that Ward matters have been picked up and addressed.

4.6 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 Govind 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