



Leicester
City Council

**WARDS AFFECTED
BRAUNSTONE PARK AND ROWLEY FIELDS**

FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:

FULL COUNCIL

21st November 2013

ELECTED MEMBER ABSENCE FROM MEETINGS

Report of the Monitoring Officer

1. PURPOSE OF REPORT

Prior to the expiry of a period of six months since the last attendance by Councillor Glover at Council, a Committee, Sub-Committee or as a representative of the authority, to enable the Monitoring Officer to consult with the Council to determine whether or not an approval is to be granted for the continued absence of Councillor Glover. If not granted, the Council must forthwith declare Councillor Glover's seat vacant immediately the six months period has been reached (15th October 2013).

- 1.1 A report was duly approved at the meeting of Full Council on 19th September approving, on the grounds of ill health, Councillor Glover's absence for a further two months after the expiry of the six month period since she last attended a meeting of the Authority. The six month period would have lapsed on 15th October, and an extension was approved to 15th December 2013. This second report seeks approval for a further extension to 28th February 2014.

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, he/she 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 Council 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 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.
- 2.6 Councillor Glover's last attendance was at the Braunstone Park & Rowley Fields Community meeting on 16th April 2013. Having regard to the above regulations, and bearing in mind the approval already granted on 19th September 2013, Councillor Glover will fall into difficulty unless she is able to attend a meeting of the Authority before 15th December 2013.
- 2.7 Councillor Glover's absence has been caused by long term illness and hospitalisation. In May and June 2013 she was hospitalized for a period of six weeks owing to serious post-surgical difficulties. There were no meetings of Full Council, nor any scheduled Ward Community Meetings during July. She has been attending to Ward business from home as best she can, and her co-councillors in the Ward have worked cooperatively to ensure that no Ward surgeries have been missed. It has taken her longer than anticipated to recover from surgery, and she still hopes to be well for the November meeting of Full Council. Nevertheless she is still recovering from illness, and her attendance cannot therefore be guaranteed on that occasion. Should Councillor Glover be able to attend Council on 21st November, this report will be withdrawn.
- 2.8 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.
- 2.9 It should be noted that the proposed further extension will expire on 28th February 2014. Further Council and Ward meetings are scheduled before the expiry of that period

3. RECOMMENDATIONS (OR OPTIONS)

- 3.1 Having regard to the extenuating circumstances arising from Councillor Glover's illness, members are asked to express a view regarding the granting of extension of time for Councillor Glover upon which the Monitoring Officer can act.
- 3.2 If minded to approve such extension, the Council is also asked to express a view whether the position be reviewed prior to the expiry of the extended period (to tie in with Council meetings) or some different duration.

4. FINANCIAL, LEGAL AND OTHER IMPLICATIONS

4.1. Financial Implications

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

4.2 Legal Implications

The legal implications are as contained within the report

4.3 Climate Change

None

5. OTHER IMPLICATIONS

OTHER IMPLICATIONS	YES/NO	Paragraph References Within the Report
Equal Opportunities	N	
Policy	N	
Sustainable and Environmental	N	
Crime and Disorder	N	
Human Rights Act	N	
Elderly/People on Low Income	N	
Corporate Parenting	N	
Health Inequalities Impact	N	

6. BACKGROUND PAPERS – LOCAL GOVERNMENT ACT 1972

None

7. CONSULTATIONS

None.

8. REPORT AUTHOR

Kamal Adatia, Monitoring Officer.