

Sandwell Metropolitan Borough Council

18 July 2017

Request for Extension of Six Month Attendance Rule

1. Summary Statement

- 1.1 An extension of the six month attendance rule is sought, under the Local Government Act 1972, to excuse the non-attendance of Councillor Sidhu at Council meetings for a period of six months, with effect from 7 September, expiring 7 March 2018.

Further details are attached for your information.

2. Recommendations

- 2.1 That, having regard to the circumstances of the absence of Councillor Sidhu from Council meetings, consideration be given to the waiving of the requirements of Section 85 of the Local Government Act 1972 and to approve an extension of the six month rule for Councillor Sidhu for a period of six months, with effect from 7 September 2017, expiring 7 March 2018.

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3. Strategic Resource Implications

- 3.1 There are no strategic resource implications arising from this report.

4. Legal and Statutory Implications

- 4.1 Section 85 of the Local Government Act 1972 states that 'if a member of a Local Authority fails, throughout a period of six consecutive months from the date of their last attendance, to attend any meeting of the Authority they will, unless the failure was due to some good reason approved by the Authority before the expiry of that period, cease to be a member of the Authority'. Attendance can be at any committee or sub-committee, or any joint committee, joint board or other body where the functions of the Authority are discharged or who were appointed to advise the Authority on any matter relating to the discharge of their functions. The requirement can be waived and the time limit extended if any failure to attend was due to a reason approved by the Authority, in advance of the six month period expiring.
- 4.2 Should any councillor lose office through failure to attend for the six month period, the disqualification cannot be overcome by the councillor subsequently resuming attendance nor can retrospective approval of the Council be sought for an extension in time. If the Council decided not to approve an extension and, as they would be unable to attend another meeting, a casual vacancy would arise.

5 Background Details

- 5.1 As a result of a recent accident, Councillor Sidhu is suffering ill-health.
- 5.2 A formal request has been received for an extension to the six month rule to be approved on the grounds that Councillor Sidhu's non-attendance throughout the period has been due to ill-health and ongoing recovery. Council can only consider such a request where approval is given in relation to the reasons for non-attendance before the end of the relevant six month period, which will be on 7 September 2017.
- 5.3 Under the circumstances, it is requested that Council approve an extension of the six month rule for Councillor Sidhu and that Council's best wishes be conveyed to Councillor Sidhu for a speedy recovery. If approved, the extension of time would be effective for a six month period from 7 September 2017, expiring on 7 March 2018. This does not, of course, prevent Councillor Sidhu from returning to meetings at any time if his health improves sufficiently.