

Sandwell Metropolitan Borough Council

17 July 2018

Subject:	Extension to Six Month Attendance
Director:	Surjit Tour – Director- Monitoring Officer
Contribution towards Vision 2030:	
Contact Officer(s):	Trisha Newton Principal Democratic Services Officer Trisha_newton@sandwell.gov.uk

DECISION RECOMMENDATIONS

That:-

1. Having regard to the circumstances of the absence of Councillor Y Davies 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 Y Davies for a period of six months, with effect from 17 July 2018, expiring 16 January 2019.

1 PURPOSE OF THE REPORT

- 1.1 An extension of the six month attendance rule is sought to excuse the non-attendance of Councillor Y Davies at Council meetings for a period of six months, with effect from 17 July 2018, expiring 16 January 2019.

2 BACKGROUND AND MAIN CONSIDERATIONS

- 2.1 Due to Councillor Y Davies suffering ill-health, a formal request has been received for an extension to the six month rule to be approved on the grounds that Councillor Y Davies's non-attendance 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 17 July 2018.
- 2.2 Under the circumstances, it is requested that Council approve an extension of the six month rule for Councillor Y Davies and that Council's best wishes be conveyed to Councillor Y Davies for a speedy recovery. If approved, the extension of time would be effective for a six month period from 17 July 2018 expiring on 16 January 2019. This does not, of course, prevent Councillor Y Davies from returning to meetings at any time if her health improves sufficiently.

3 STRATEGIC RESOURCE IMPLICATIONS

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

4 LEGAL AND GOVERNANCE CONSIDERATIONS

- 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. **ALTERNATIVE OPTIONS**

Only full Council can grant an extension to the six month rule.

Surjit Tour
Director – Monitoring Officer