



# URGENT Report to Council

4 JULY 2012

**MONITORING  
OFFICER**

**APPROVAL OF A PERIOD OF ABSENCE  
FROM MEETINGS BY A COUNCILLOR**

**WARDS  
All**

**SYNOPSIS**

This report provides details regarding the proposal that Council approve a period of absence from meetings by a Councillor pursuant to Section 85(1) of the Local Government Act 1972.

**CONTRIBUTORS**

EDFCG  
Monitoring Officer

**RECOMMENDATIONS:**

1. The Council notes that Councillor Iain Coleman has not been able to attend meetings of the Council due to ill-health since 19 March 2012.
2. That Council extends its sympathy to Councillor Coleman and wishes him a speedy recovery.
3. That Council approves Councillor Iain Coleman's non attendance at meetings of the authority due to ill health up to 3 February 2013 pursuant to Section 85 of the Local Government Act 1972.

## **1. REASONS FOR URGENCY**

- 1.1 Section 85(1) of the Local Government Act 1972 requires Full Council to approve a Councillor's period of absence from meetings. If a Member fails throughout a period of six consecutive months from the date of his or her last attendance to attend any meeting of the Council he or she shall on the expiry of that period cease to be a Member unless the failure was due to some reason approved by the Council.
- 1.2 Councillor Iain Coleman last attended a Council meeting on 19 March 2012, if this report is not approved as a matter of urgency and he fails to attend a meeting by 18 September, he will cease to be a member of the Council.

## **2. BACKGROUND**

- 2.1 The Council is advised that Councillor Iain Coleman has been unable to attend any meeting of the Council for some time due to illness and is asked to consider passing a resolution pursuant to Section 85 of the Local Government Act 1972.
- 2.2 Under the Local Government Act if a Member fails throughout a period of six consecutive months from the date of his or her last attendance to attend any meeting of the Council he or she shall on the expiry of that period cease to be a Member unless the failure was due to some reason approved by the Council. Attendance in an official capacity at a meeting of a committee or sub-committee of the Council or at any meeting of a joint committee or other such body discharging functions of the Council or at any meeting as a representative of the Council is deemed to be a meeting of the Council.

## **3. CURRENT SITUATION**

- 3.1 As a result of a period of ill-health Councillor Coleman has not attended a Council meeting since 19 March 2012 (whilst it is noted that he attended Cabinet in the capacity as a guest on 23 April 2012).
- 3.2 If after six months from 19 March 2012 the Council has not approved the absence then the member as a result of the operation of law ceases to be a member of the Council from 19 September. The six months runs from the date of the member's last attendance and approval must be given within the six month period.
- 3.3 Once approval had been given and it can be for no more than 6 months prospectively or retrospectively or a combination of both - then the statutory six months period begins to run again from the end of the period for which approval has been given.
- 3.4 For the avoidance of doubt, if Councillor Coleman fails to attend any meeting of the Council by 3 February 2013, he would be disqualified as a Councillor under the statutory provision (Section 85(1) of the Local Government Act 1972) unless the Council passes a further resolution under before that date.

**4. COMMENTS OF THE DIRECTOR (LEGAL AND DEMOCRATIC SERVICES)**

4.1 These are contained in the body of the report.

**5. COMMENTS OF THE EXECUTIVE DIRECTOR OF FINANCE AND CORPORATE GOVERNANCE**

5.1 There are no direct financial implications.

**LOCAL GOVERNMENT ACT 2000**  
**LIST OF BACKGROUND PAPERS**

<b>No.</b>	<b>Description of Background Papers</b>	<b>Name/Ext. of Holder of File/Copy</b>	<b>Department/ Location</b>
	None		