

Non-Attendance by Councillor For Six Months

REPORT TO FULL COUNCIL



DATE	28th September 2022
PORTFOLIO	None
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PURPOSE

1. To consider and authorise any absence from attendance at meetings in accordance with S85(1) Local Government Act 1972.

RECOMMENDATION

2. That Council, having regard to the circumstances of the absence of Cllr Marcus Johnstone from Council meetings considers a request to waive the requirements of S.85(1) of the Local Government Act 1972.

REASONS FOR RECOMMENDATION

3. To allow a Member’s request to be considered regarding absence from meetings.
4. This is a matter for Full Council to determine.

SUMMARY OF KEY POINTS

5. Councillor Marcus Johnstone has not attended any meeting since the Annual and Appointments Council meetings on 18th May 2022.

S85(1) of the Local Government Act 1972 provides that “if a member of a local authority fails throughout a period of six consecutive months from the date of his last attendance to attend any meeting of the authority, he shall, unless the failure was due to some reason approved by the authority before the expiry of that period, cease to be a member of that authority”. For the purposes of the legislation, ‘meetings of the authority’ includes Committee and Sub-Committee meetings to which that member is appointed by Council.

The Council can only consider a reason **before** the end of the 6 month period i.e. 17th November 2022, and so the report has been brought to the last available Full Council at the 28th September 2022 meeting.

6. If a Member once loses his office through failure to attend for the six months period, the disqualification cannot be overcome by the Member subsequently resuming attendance.

Nevertheless the office becomes vacant only when the authority declares it to be vacant, which the authority must do, and a casual vacancy arises (LGA 1972 s.87).

7. Members will be aware that Cllr Johnstone is experiencing complications following surgery and is receiving on-going treatment and awaiting further surgery. Cllr Johnstone is currently very immobile and therefore unable to attend meetings.
8. He has requested that Council grant an extension of 6 months to the period of non-attendance permitted. This means that Cllr Johnstone would be required to attend a meeting by 17th May 2023.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

9. Extra costs may arise due to the need to hold a by election in that Ward, either when there aren't any other Borough elections currently planned or when the election is needed before the usual term of Office has ended.
10. In this case if disqualification occurred a by election would arise because Cllr Marcus Johnstone's current term of office expires in May 2024.

POLICY IMPLICATIONS

11. None arising from this report.

DETAILS OF CONSULTATION

12. Member Structures and Support Officer and Working Groups

BACKGROUND PAPERS

13. None.

FURTHER INFORMATION

**PLEASE CONTACT:
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ALSO: