

**SECTION 85, LOCAL GOVERNMENT ACT 1972 - VACATION OF OFFICE
BY FAILURE TO ATTEND MEETINGS**

Report of the Chief Legal Officer

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Executive Member: David Williams, Leader of the Council

1. Purpose of report

- 1.1 For Council to consider delegating the power, under Section 85 of the Local Government Act 1972, to approve a reason for a Member's failure to attend meetings of the Council throughout a period of six consecutive months from the date of the Member's last attendance, to the Standards Committee.

2. Summary and Background

- 2.1 Section 85 of the Local Government Act 1972 ("the Section") provides that:

2.1.1 if a Member of the Council fails, throughout a period of six consecutive months from the date of his/her last attendance, to attend any meeting of the Council (or any Committee or Sub-Committee of the Council on which the Member sits); or

2.1.2 if a Member of the Council who is also a Member of the Executive fails throughout a period of six consecutive months from the date of his/her last attendance to attend any meeting of the Executive;

the Member shall cease to be a Member of the Council unless the failure to attend was due to some reason approved by the Council ("an approval") before the expiry of that period.

- 2.2 In relation to the circumstances set out in paragraph 2.1.1, the Council has a relatively small number of Committees and Sub-Committees and attendance at a Cabinet Panel meeting does not count as attendance for the purposes of the Section. Further, some Members of the Council are not Members of any Committee or Sub-Committee.

- 2.3 The Council's cycle of meetings is such that it is possible for a Member to fail to attend a meeting throughout a six month period by missing a

single meeting of Council. This is particularly the case where a Member misses either the July or November meeting of the Full Council. If a Member were to be in this situation the Member would cease to be a Member of the Council unless the Council gave an approval before the expiry of the six month period.

- 2.4 Approvals under the Section may currently only be given by Full Council. Given the situation described in 2.3 above, there may not be a meeting of the Council at which an approval could be considered before the expiry of the six month period. It is, therefore, proposed that the power to give approvals be delegated to the Standards Committee. Full Council would still be able to give approvals under the Section and would be requested to do so if there was an appropriately timed meeting for the application to be taken to.
- 2.5 It is also proposed that Members be advised that if a Member knows in advance that he/she will be unable to attend a meeting of the Council, particularly, the July or the November meeting, he/she should inform the Chief Legal Officer as soon as possible in order that consideration can be given to seeking an approval either from Council or from the Standards Committee.

3. Recommendation

- 3.1
1. That the Council's power, under Section 85 of the Local Government Act 1972, to approve a reason for a Member's failure to attend meetings of the Council and/or the Executive throughout a period of six consecutive months from the date of the Member's last attendance, be delegated to the Standards Committee.
 2. That the Chief Legal Officer be authorised to make any amendments as may be necessary to the Constitution to give effect to the decision at 1 above.

4. Financial Implications

- 4.1 None arising directly from this report.

Background Information

Section 85 of the Local Government Act 1972

<http://www.legislation.gov.uk/ukpga/1972/70/section/85>