

Sandwell Metropolitan Borough Council

16 July 2019

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

DECISION RECOMMENDATIONS

That:-

1. Having regard to the circumstances of the absence of Councillor Tagger 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 Tagger for a period of six months, with effect from 6 September 2019, expiring 10 March 2020;
2. Having regard to the circumstances of the absence of Councillor Horton 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 Horton for a period of six months, with effect from 10 October 2019, expiring 10 April 2020;

1 PURPOSE OF THE REPORT

- 1.1 An extension of the six month attendance rule is sought to excuse the non-attendance of Councillor Tagger at Council meetings for a period of six months, with effect from 6 September 2019, expiring 10 March 2020 and Councillor Horton for a period of six months, with effect from 10 October 2019, expiring 10 April 2020.

2 BACKGROUND AND MAIN CONSIDERATIONS

- 2.1 Due to Councillor Tagger 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 Tagger'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 6 September 2019.
- 2.2 Under the circumstances, it is requested that Council approve an extension of the six month rule for Councillor Tagger and that Council's best wishes be conveyed to Councillor Tagger for a speedy recovery. If approved, the extension of time would be effective for a six month period from 6 September 2019 expiring on 10 March 2020. This does not, of course, prevent Councillor Tagger from returning to meetings at any time if his health improves sufficiently.
- 2.3 Due to Councillor Horton 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 Horton'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 10 October 2019.
- 2.4 Under the circumstances, it is requested that Council approve an extension of the six month rule for Councillor Horton and that Council's best wishes be conveyed to Councillor Horton for a speedy recovery. If approved, the extension of time would be effective for a six month period from 10 October 2019 expiring on 10 April 2020. This does not, of course, prevent Councillor Horton 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 of Law and Governance and Monitoring Officer