
COUNCILLOR REQUEST FOR A PERIOD OF ABSENCE FROM MEETINGS

To: **Council – 31 March 2016**

By: **Committee Services Manager**

Classification: **Unrestricted**

Summary: This report provides details regarding a request from two Councillors for an extended leave of absence from meetings pursuant to Section 85(1) of the Local Government Act 1972.

For Decision

1.0 Introduction and Background

1.1 The Council has received a request from Councillors Helen Smith and Konnor Collins both of Northwood ward for an extended leave of absence from attendance at Council meetings on the grounds of ill health on Friday 18 March 2016.

2.0 The Current Situation

2.1 Under the Local Government Act 1972 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 a 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 outside body meeting as a representative of the Council is deemed to be a meeting of the Council.

2.2 The last meeting Councillor Helen Smith attended was a Citizens Advice Thanet Trustee Board meeting and AGM held on 21st October 2015. The last meeting Councillor Konnor Collins attended was a Planning Committee on 21 October 2015. Therefore if Councillor Smith or Councillor Collins does not attend a meeting by 21st April 2016, then they will cease to be a member of the Council.

2.3 Councillor Smith and Councillors Collins submitted a request for leave of absence from attendance at Council meetings on Friday 18 March 2016, the reason given being severe illness and hospitalisation.

2.4 It is suggested that a six month leave of absence be approved which would allow time for Councillor Smith and Collins to recover. However Council could decide to amend this time period making it shorter or longer if it wished. However long the extension, it is recommended that it start from the 20 April 2016.

2.5 Therefore if a six month leave of absence is given, Councillors Smith and Collins would be disqualified from being a Councillor due to non-attendance if they failed to attend a meeting by 21 October 2016 unless another leave of absence was granted. Attendance at any meeting as described in paragraph 2.1 during this period would “reset the clock” and the six month period would start again.

3.0 Options

3.1 Council can agree to do two of the following:

- a) To agree a leave of absence for Councillor Smith starting from the 20 April 2016 for a period of up to six months.
- b) To agree a leave of absence for Councillor Collins starting from the 20 April 2016 for a period of up to six months.
- c) Not to agree a leave of absence for Councillor Smith.
- d) Not to agree a leave of absence for Councillor Collins.

4.0 Corporate Implications

4.1 Financial and VAT

4.1.1 Councillors receive a basic allowance for their role as a Councillor. The existing allowances budget has sufficient funds to pay these allowances for a further six month period.

5.2 Legal

5.2.1 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 outside body meeting as a representative of the Council is deemed to be a meeting of the Council, under the auspices of Section 85(1) of the Local Government Act 1972.

5.2.2 Members are required to have due regard to the Equality Act 2010, in particular Section 149, The Public Sector Equality Duty when taking the decision. Equality implications are detailed in section 5.4 below.

5.3 Corporate

5.3.1 It is best practice to inform Councillors and give them the opportunity to request a leave of absence pursuant to section 85 of the Local Government Act 1972 and the Monitoring Officer did so in February 2016.

5.4 Equity and Equalities

5.4.1 Councillors Smith and Connor-Collins are protected by the Equality Act 2010. To date, officers are satisfied that both Members are suffering ill health which has been supported by regular medical evidence; we are awaiting current medical evidence and have no reason to expect that this will not be forthcoming. Members are required to have due regard to the aims of the Public Sector Equality Duty when making this decision and in this case the following aims are relevant:

- Aim 1 – Preventing unlawful discrimination, harassment, victimisation or any other conduct prohibited by the Act; and
- Aim 2 – Advancing equality of opportunity between people who share a protected characteristic and people who do not share it by:

- Removing or minimising disadvantages suffered by people due to their protected characteristics;
- Meeting the needs of people with protected characteristics; and
- Encouraging people with protected characteristics to participate in public life or in other activities where their participation is low.

5.4.2 Members must also balance the needs of the aforementioned Members with that of the residents of the ward they represent. Northwood ward has 4885 electors (not included those unregistered to vote and under the age of 18) and has a higher than the Thanet and Kent average levels of deprivation across a number of indicators including out of work benefits and crime. It usually follows that where there are high levels of deprivation, reliance on public services is also high and Members play a key role in supporting their residents and/or signposting them to appropriate support channel.

6.0 Recommendation

6.1 Members Instructions are requested.

7.0 Decision Making Process

7.1 This is a non-key decision to go to Council.

Future Meeting if applicable: N/A	Date:
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Contact Officer:	Nicholas Hughes, Committee Services Manager
Reporting to:	Tim Howes, Director of Corporate Governance

Annex List

None	
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Background Papers

Title	Details of where to access copy
None	

Corporate Consultation Undertaken

Finance	Matthew Sanham, Finance Manager
Legal	Ciara Feeney, Head of Legal Services