



## **COUNCIL – 5TH MARCH 2019**

**SUBJECT: WAIVER OF 6 MONTH COUNCILLOR ATTENDANCE RULE**

**REPORT BY: HEAD OF LEGAL SERVICES AND MONITORING OFFICER**

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### **1. PURPOSE OF REPORT**

- 1.1 To seek Council approval for a request received for an extension to the six months Councillor Attendance Rule from Councillor Dianne Price in accordance with the relevant legalisation.

### **2. SUMMARY**

- 2.1 Due to extensive illness and ongoing medical treatment Councillor Dianne Price has been unable to attend a Council meeting since the 20th September 2018.
- 2.2 A request has been received by the Monitoring Officer for Council to consider approving an extension to the usual six month attendance rule to enable Councillor Price to remain in office until she is able to resume normal duties when she returns to good health.

### **3. LINKS TO STRATEGY**

- 3.1 The request contributes to the Well-being Goals within the Well-being of Future Generations Act (Wales) 2015 as elected members make decisions and recommendations that impact on future generations.
- 3.2 Councillor attendance is governed by the Local Government Act 1972.

### **4. THE REPORT**

- 4.1 Section 85 (1) 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 reason approved by the authority before the expiry of that period, cease to be a member of the authority”.
- 4.2 For the purposes of section 85(1), attendance can be at any committee or sub-committee, or any joint committee, joint board or other body where the functions of the authority on any matter relating to the discharge of their functions.
- 4.3 Councillor Price has not been able to attend any council meetings since attending the Caerphilly Homes Task Group on the 20th September 2018 due to extended illness and subsequent medical treatment, although Councillor Price has been regularly conducting constituency business from home.

- 4.4 Council can only consider approval of any reasons for non-attendance before the end of the relevant six month period which will end on 20th March 2019. It has been confirmed that Councillor Price is unable to attend the special meeting of Council on the 21st February 2019 and therefore this report has been submitted to approve an extension of the usual six month rule.
- 4.5 Councillor Price is a long serving member, former Mayor and ward member for Bargoed. In addition to council, Councillor Price serves as a member of the Policy and Resources scrutiny committee, Partnerships scrutiny committee, Bargoed Town Centre Management Group, Licensing and Gambling Committee, Taxi and General Licensing Committee, Caerphilly Homes Task Group (Chair) and Standards Committee.

## **5. WELL-BEING OF FUTURE GENERATIONS**

- 5.1 The report contributes to the Well-being Goals as set out in Links to Strategy above. It is consistent with the five ways of working as defined within the sustainable development principle in the Act as the role of Elected Member requires Councillors to make recommendations and decisions that impact on future generations and provide a vital democratic link to the decision making process for the constituents they represent.

## **6. EQUALITIES IMPLICATIONS**

- 6.1 There are no specific equalities implications that directly affect the Council arising from the report.

## **7. FINANCIAL IMPLICATIONS**

- 7.1 If the absence period is not extended beyond 6 months, a by-election will need to be called for which there will be a financial cost.

## **8. PERSONNEL IMPLICATIONS**

- 8.1 If the extension is not approved Councillor Price, would under Section 85 (1) of the Local Government Act be disqualified on the 20th March 2019 from the office of councillor.
- 8.2 Once any councillor loses 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 Council be sought for an extension in time.

## **9. CONSULTATIONS**

- 9.1 There are no consultations that have not been included in the report

## **10. RECOMMENDATIONS**

- 10.1 That the current absence from all council and committee meetings of Councillor Dianne Price due to her ill-health be authorised and approved for a further period of six months ending on 20<sup>th</sup> September 2019, or until she resumes attendance if that is sooner, in accordance with section 85 of the Local Government Act 1972.

## **11. REASONS FOR THE RECOMMENDATIONS**

- 11.1 To allow Councillor Dianne Price to remain in office until her health allows her to be able to resume normal duties.

## **12. STATUTORY POWER**

- 12.1 Local Government Act 1972.

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