

Central Bedfordshire Council

Council

15 November 2018

Leave of Absence

Report of: Cllr James Jamieson, Leader of the Council
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Responsible Director(s): Charles Warboys, Director of Resources
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Purpose of this report

1. To seek approval of leave of absence for Councillor Mrs Barker.

RECOMMENDATIONS

Council is asked to:

1. **approve the reason for Councillor Mrs Angela Barker's absence from any meetings since 26 July 2018 as set out in paragraph 4 below, with the approval being for a period until 6 May 2019.**

Background

2. The Constitution and legislation requires Council Members to attend a meeting at least once every six months. If they do not meet the attendance requirement their membership of the Council ceases unless the Council has approved, prior to the expiry of six months from their last attendance at a meeting the reason for non-attendance.
3. The Council's approval should state the reasons for approving the leave of absence and the period for which it will run.

Reasons for Absence

4. Councillor Mrs Barker has suffered poor health over the last few months, the effects of which prevent her from taking part in councillor duties. The meeting most recently attended by Councillor Mrs Barker was on 26 July 2018, the six-month period therefore lapses on 25 January 2019.

Period to which the Approval Relates

5. It is appropriate, in view of the elections to be held in May 2019, that any leave of absence should correspond to the timeframe applicable to membership of the Council of the other Council Members.
6. Persons not re-elected at the end of their term of office cease to be councillors on the fourth day after the ordinary day of election in accordance with Section 7 of the Local Government Act 1972 ('the LG Act'). It is therefore suggested that it would be appropriate for the approval of the reason for absence in respect of Councillor Mrs Barker to extend until that day.
7. Councillor Mrs Barker may be able to carry out some or all of her duties as a Councillor as time goes on, subject to improvement in her health. If approval is not granted and Councillor Mrs Barker is unable to attend any meetings before 25 January 2019 her membership of the Council would cease.
8. It is preferable for a Councillor to remain a member of the Council and possibly be able to perform duties as their health allows, than to allow vacancies on the Council to be created which would not be filled until the next local election.

Council Priorities

9. The proposed action does not fall under a particular Council priority.

Corporate Implications

Legal Implications

10. Sub-section 85(1) of the LG Act provides that "Subject to subsections (2) and (3) below, 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/she 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 the authority."
11. Therefore, if a member is unable to attend any meeting of the Council throughout six consecutive months the reason must be approved by the Council before the expiry of the six-month period or otherwise the member will cease to be a member of the Council. A vacancy does not automatically arise but requires a declaration of vacancy pursuant to sub-section 86(1)(c) of the LG Act.

Financial and Risk Implications

12. There are no financial implications as a result of these proposals. Councillor Mrs Barker's basic allowance would continue to be paid and is included in the budget.

Equalities Implications

13. Approval of leave of absence will enable the Council to adopt a more flexible approach, which is consistent with equality requirements.

Conclusion and next Steps

14. Approval of the recommendation set out above would enable Councillor Mrs Barker to remain a member of the Council for the same period as other members, whether she does or does not attend any meetings before 25 January 2018.

Appendices

None

Background Papers

None

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