

Council: 11th November 2015

Waiver of 6 month councillor attendance rule (Sec.85 Local Government Act 1972)

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1. Executive Summary

- 1.1 Section 85 (1) of the Local Government Act 1972 requires a member of a Local Authority to attend at least one meeting of that Authority within a six month consecutive period, in order to avoid being disqualified as a Councillor. This 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.
- 1.2 Unfortunately, due to a serious illness, extended hospital admission and ongoing recovery, Councillor Turgut Esendagli has not been able to attend any Council or Committee meetings since full Council on 24th June 2015. A formal request has therefore been made for an extension to the six month rule to be approved in his respect.

2. Background

- 2.1 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 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.
- 2.2 Councillor Turgut Esendagli has not been able to attend any Council or Committee meetings since the full Council meeting held on 24th June 2015, due to a serious illness and extended hospital admission. Whilst now in recovery, the Monitoring Officer has received a request for the Council to consider approving an extension to the usual six month attendance rule enabling him to remain in office whilst completing his recovery and until able to resume normal duties.
- 2.3 Council can only consider approval of any reasons for non-attendance before the end of the relevant six month period, which will be Thursday 24th December 2015. Councillor Esendagli has confirmed that he will not be able to attend the next Council meeting scheduled for Wednesday 11th

November 2015 and so a report has been submitted to approve an extension of the usual six month rule.

- 2.4 Councillor Esendagli was elected to the Council in May 2014 and represents Enfield Highway ward. In addition to full Council he also serves as a member of the Licensing and Licensing Sub Committee.

3. LEGAL & FINANCIAL IMPLICATIONS

- 3.1 Section 85 (1) of the Local Government Act 1972 enables a Local Authority to approve the reason(s) for non-attendance of a Member at any meeting of the Authority throughout a period of six consecutive months, provided that approval is given by the Authority before the expiry of the six month period.
- 3.2 Given that Councillor Esendagli is still in the process of recovering from his illness, it is unlikely that he will be able to attend any qualifying meetings prior to his six month period expiring. This is also the final Council meeting at which approval could be sought for an extension of the time limit. If approval to any extension is not therefore agreed at this meeting Councillor Esendagli would, under Section 85 (1) of the Local Government Act 1972 be disqualified after 24th December from office as a councillor.
- 3.3 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 the Council be sought for an extension in time.
- 3.4 There are no direct financial implications arising from this request as the Council is required to consider the formal request for an extension in time.

4. OTHER OPTIONS CONSIDERED

- 4.1 None. Once a request has been received to extend a period of office for a councillor beyond the six month period of non-attendance the Council is required to consider the request.

5. REASON FOR RECOMMENDATION

- 5.1 To enable the Council to consider a request to extend Councillor Esendagli's period of office in accordance with relevant legislation.

6. RECOMMENDATION

- 6.1 That Council considers the request to extend Councillor Esendagli's period of office beyond the six month period of non-attendance provided

for within Section 85 (1) of the Local Government Act 1972 on the grounds of ill-health and his ongoing recovery.

- 6.2 If minded to approve the request the extension of time be for a further 6 month period, to expire on Friday 24th June 2016.