
Urgent Business: Waiver of the Six Month Councillor Attendance Rule

Relevant Portfolio Holder	Councillor Karen Ashley
Portfolio Holder Consulted	Yes
Relevant Head of Service	Head of Legal, Democratic and Property Services
Report Author Claire Felton	Job Title: Head of Legal, Democratic and Property Services Contact c.felton@bromsgroveandredditch.gov.uk email:
Wards Affected	Crabbs Cross
Ward Councillor(s) consulted	
Relevant Strategic Purpose(s)	An Effective and Sustainable Council
Non-Key Decision	
If you have any questions about this report, please contact the report author in advance of the meeting.	

1. RECOMMENDATIONS

Council is asked to RESOLVE that:-

in accordance with Section 85 of the Local Government Act 1972, Council approves Councillor Gareth Prosser's non-attendance at meetings until the end of the 2022/23 municipal year on the grounds of continued ill health and that the Council's best wishes be conveyed to him.

2. BACKGROUND

- 2.1 Councillor Gareth Prosser, has been unable to attend meetings recently, due to experiencing a period of ill health. The purpose of this report is to propose that Council approve his continuing absence for a period which exceeds six months up to the date of the next local elections in May 2023.
- 2.2 The extension would not prevent Councillor Prosser from returning to attending meetings prior to the local elections in May 2023, should his health recover. However, this waiver of the six month rule would provide greater flexibility.

3. OPERATIONAL ISSUES

- 3.1 Councillor Prosser last attended a Committee meeting on 7th July 2022. There are not due to be any further Council meetings prior to the expiry of six months from this date, on 7th January 2023. Therefore, a request is being made at this Council meeting for Members to consider approving Councillor Prosser's non-attendance until the end of the 2022/23 municipal year.
- 3.2 Councillor Prosser's term of office as a Councillor representing Crabbs Cross ward is due to end in May 2023.
- 3.3 As two Members represent Crabbs Cross ward, local residents will continue to be able to access support from a Borough Councillor representative.

4. FINANCIAL IMPLICATIONS

- 4.1 There are no specific financial implications.
- 4.2 Councillor Prosser does not hold a position that has a Special Responsibility Allowance (SRA).

5. LEGAL IMPLICATIONS

- 5.1 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 a meeting of the authority, they shall cease to be a member of the Council. An exception applies if their non-attendance has been approved by Council before the expiry of the six-month period.
- 5.2 If the waiver is not granted, no election is to be held for a casual vacancy that occurs within six months of the day on which the Councillor whose office is vacant would have retired as per Section 89 of the Local Government Act 1972.
- 5.3 The Council Procedure Rules in the Council's constitution allow for urgent items of business to be considered, where requested by a Member, subject to the agreement of the Mayor, the Leader, the Chief Executive and the Monitoring Officer and their collective decision as to whether to consider the item shall be conclusive. In this instance, given there are not due to be any further Council meetings prior to 7th January 2023 and to Councillor Prosser's recent experience of ill health, they have agreed that this should be considered on an exceptional basis as urgent business.

6. OTHER - IMPLICATIONS

Relevant Strategic Purpose

- 6.1 Management of Council business, including Member support, is conducted in such a way as to deliver an Effective and Sustainable Council.

Climate Change Implications

- 6.2 There are no specific climate change implications.

Equalities and Diversity Implications

- 6.3 Supporting Members in being able to take extended absence due to ill health will have a positive impact on the Council's general equality duty with regards to the protected characteristics under the Equality Act 2010.

7. RISK MANAGEMENT

- 7.1 No specific risks have been identified.

8. APPENDICES and BACKGROUND PAPERS

None.

REDDITCH BOROUGH COUNCIL

Council
2022

14th November

9. REPORT SIGN OFF

Department	Name and Job Title	Date
Portfolio Holder	Councillor Karen Ashley.	November 2022
Lead Director / Head of Service	Claire Felton, Head of Legal, Democratic and Property Services.	November 2022
Financial Services	Pete Carpenter, Interim Section 151 Officer.	November 2022
Legal Services	Claire Felton, Head of Legal, Democratic and Property Services.	November 2022