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**COUNCILLOR STAMFORD-BEWLAY**

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**Responsible Cabinet Member – Leader of the Council**

**Responsible Director - Paul Wildsmith, Director of Corporate Services**

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**Purpose of Report**

1. To consider an application from Councillor Stamford-Bewlay for an extension to the six-month period of his non-attendance at meetings.

**Information and Analysis**

2. 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 his/her 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.
3. Councillor Stamford-Bewlay has not attended any Council or Committee meetings since 25th April, 2005, consequently under the above provisions he will cease to be a Member of the Council on 24th October, 2005 unless the Council approves the reason for the failure to attend before that date.

**Illness**

4. Councillor Stamford-Bewlay (who was first elected to the former County Borough Council in 1967 and has 38 years continuous service with the Council) is recuperating at home from a broken hip and has requested the Council to consider an extension under the six-month rule until he is well enough to attend meetings.

**Previous Requests to Council**

5. Members may recall that the late Councillor Ken Walker made a similar application to Council when he was ill in May 2001. Council agreed to the request and extended Councillor Walker's period of non-attendance at meetings by a further six months with a further review prior to that time, if necessary.

## **Options**

6. Council has the following options :-

(a) Do not agree to the request and, unless Councillor Stamford-Bewlay attends a meeting prior to 24th October, 2005, he will cease to be a Member of the Council.

(b) Agree to the request and, if so, approve the failure to attend by reason of illness and indicate the period for which it will run :-

until he next attends a meeting at the Town Hall

or

until the reason no longer applies ;

or

until Councillor Stamford-Bewlay's term at office has ended (May 2007)

(c) Alternatively a period of six months could be specified with a further review at that time (this option was agreed for the late Councillor Ken Walker (see paragraph 5 above).

## **Legal Implications**

7. This report has been considered by the Borough Solicitor for legal implications in accordance with the Council's approved procedures. There are no issues which the Borough Solicitor considers need to be brought to the specific attention of Members, other than those highlighted in the report.

## **Section 17 of the Crime and Disorder Act 1998**

8. The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely, the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. It is not considered that the contents of this report have any such effect.

## **Council Policy Framework**

9. The issue contained within this report requires a decision by Council.

## **Recommendation**

10. Members are asked to consider the options in paragraph 6 above.

## **Reason**

11. The recommendation is supported to ensure compliance with a request from a Member under Section 85 of the Local Government Act 1972.

**Paul Wildsmith**  
**Director of Corporate Services**

## **Background Papers**

Letter from Councillor Stamford-Bewlay dated 5th September, 2005.

Linda Todd: Extension 2354