
COUNCILLOR HUTCHINSON

Responsible Cabinet Member – Leader of the Council

Responsible Director - Paul Wildsmith, Director of Corporate Services

Purpose of Report

1. To consider an application from Councillor Hutchinson 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 Hutchinson has not attended any Council or Committee meetings since 19th October, 2006, consequently under the above provisions he will cease to be a Member of the Council on 18th April, 2007 unless the Council approves the reason for the failure to attend before that date.

Illness

4. As Members will be aware, Councillor Hutchinson (who was first elected to the former County Borough Council in 1963 and has almost 44 years continuous service with the Council) has been ill for a number of months. He has requested the Council to consider an extension under the six-month rule. Councillor Hutchinson is not planning to stand for re-election at the May Elections.

Previous Requests to Council

5. Members may recall that the late Councillors Ken Walker and Philip Stanford-Bewlay made similar applications to Council when they were ill in 2001 and 2005 respectively. Council agreed to both requests and extended each of the Councillors' periods of non-attendance at meetings by a further six months.

Options

6. Council has the following options :-
 - (a) Do not agree to the request and, unless Councillor Hutchinson attends a meeting prior to 18th April, 2007, he will cease to be a Member of the Council; or
 - (b) Agree to the request and, if so, approve the failure to attend by reason of illness up until Councillor Hutchison's term at office has ended (May 2007).

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

Telephone call from Councillor Hutchinson on 13th February, 2007.

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