
COUNCILLOR YORK

Responsible Cabinet Member – Councillor John Williams, Leader of the Council

Responsible Director - Paul Wildsmith, Director of Corporate Services

SUMMARY REPORT

Purpose of the Report

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

Summary

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 York has not attended any Council or Committee meetings since 1st October, 2009, consequently under the above provisions he will cease to be a Member of the Council on 31st March 2010 unless the Council approves the reason for the failure to attend before that date.

Recommendation

4. Members are asked to consider the options in paragraph 11 below.

Reason

5. 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

E-Mail from Councillor York on 23rd February 2010.

Linda Todd: Extension 2354

S17 Crime and Disorder	There are no issues in relation to Crime and Disorder.
Health and Well Being	There are no issues in relation to Health and Wellbeing.
Sustainability	There are no issues in relation to Sustainability
Diversity	There are no issues relating to Diversity which this report needs to address
Wards Affected	Middleton St. George.
Groups Affected	There is no impact on any particular group.
Budget and Policy Framework	This report does not recommend any change to the Budget or Policy Framework.
Key Decision	This is not a key decision
Urgent Decision	This is not an urgent decision
One Darlington: Perfectly Placed	This report does not adversely impact on the Strategy
Efficiency	This report does not have any direct impact on efficiency.

MAIN REPORT

Information

6. 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.
7. Councillor York has not attended any Council or Committee meetings since 1st October, 2009, consequently under the above provisions he will cease to be a Member of the Council on 31st March 2010 unless the Council approves the reason for the failure to attend before that date.
8. As Members will be aware, Councillor York (who was first elected to the Council on 3rd May 2007) has been ill for a number of months, and has requested that the Council consider an extension under the six-month rule.

Previous Requests to Council

9. Members may recall that late Councillors Ken Walker and Philip Stamford-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.
10. The last application under the six-month rule was made by former Councillor Cliff Hutchinson in March 2007, who had also been ill for a number of months. Council, once again, agreed to this request and extended Councillor Hutchinson's period of non-attendance at meetings until his term of office ended in May 2007.

Options

11. Council has the following options :-

- (a) Do not agree to the request and, unless Councillor York attends a meeting prior to 31st March 2010, 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, before review:-
 - a. Until he next attends a meeting at the Town Hall
 - or
 - b. Until the reason no longer applies
 - or
 - c. Until Councillor York's term of office has ended (May 2011)
- (c) Alternatively, a period of six months could be specified with a further review at that time (this option was agreed for the late Councillors Ken Walker and Philip Stamford-Bewlay (see paragraph 9 above)).