
COUNCILLOR J. LYONETTE

Responsible Cabinet Member – Councillor Bill Dixon, Leader of the Council

Responsible Director - Paul Wildsmith, Director of Resources

SUMMARY REPORT

Purpose of the Report

1. To consider an extension to the six-month period of the non-attendance of Councillor J. Lyonette at meetings due to ill health; and to consider the appointment of a Vice-Chair for Licensing Committee for the remainder of the Municipal Year.

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 J. Lyonette has not attended any Council or Committee meetings since 19 July, 2012, consequently under the above provisions he will cease to be a Member of the Council on 18 January, 2013, unless the Council approves the reason for the failure to attend before that date.
4. In view of Councillor J. Lyonette's ill health, Council is also asked to consider the appointment of a Vice Chair for Licensing Committee.

Recommendation

5. Members are asked to consider the options in paragraph 13 below and the appointment of a Vice Chair for Licensing Committee.

Reasons

6. To ensure compliance with a request under Section 85 of the Local Government Act 1972; and

7. To enable the Vice Chair to support the Chair at Licensing Committee.

Paul Wildsmith
Director of Resources

Background Papers

There were no other papers used in the compilation of this report other than those referred to.

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.
Carbon Impact	There are no carbon impact implications in this report
Diversity	There are no issues relating to Diversity which this report needs to address
Wards Affected	Park East
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

8. 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.
9. Councillor J. Lyonette has not attended any Council or Committee meetings since 19 July, 2012, due to ill health, consequently under the above provisions he will cease to be a Member of the Council on 18 January, 2013 unless the Council approves the reason for the failure to attend before that date.
10. Councillor J. Lyonette has been ill for a number of months, and a request has been received that the Council consider an extension under the six-month rule.

11. In view of Councillor J. Lyonette' s illness, Members are all asked to consider the appointment of a Vice Chair of Licensing Committee for the remainder of the Municipal Year. Councillor J Lyonette is currently appointed to that role by the Licensing Committee.

Previous Requests to Council

12. Members may recall that similar applications have been made to Council by current and former Members when they have been ill. Council agreed to these requests and extended each of the Councillors' periods of non-attendance at meetings by a further six months.

Options

13. Council has the following options :-
 - (a) Do not agree to the request and, unless Councillor J Lyonette attends a meeting prior to 18th January, 2013, 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
 - (c) Alternatively, a period of six months could be specified with a further review at that time.
14. Appoint a Vice Chair to the Licensing Committee for the remainder of the Municipal Year.