
REQUEST FOR AN EXTENSION OF NON-ATTENDANCE

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

**Responsible Director - Paul Wildsmith,
Director of Neighbourhood Services and Resources**

SUMMARY REPORT

Purpose of the Report

1. To consider an extension to the six-month period of the non-attendance of Councillor Hutchinson at meetings due to ill health.

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 Hutchinson has not attended any Council or Committee meetings since 9 June 2014. Consequently under the above provisions she will cease to be a Member of the Council on 8th December 2014, 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 10 below.

Reasons

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

**Paul Wildsmith
Director of Neighbourhood Services and Resources**

Background Papers

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

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| 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 | Haughton North |
| 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 Hutchinson has not attended any Council or Committee meetings since 9 June 2014 due to ill health, consequently under the above provisions she will cease to be a Member of the Council on 8 December 2014 unless the Council approves the reason for the failure to attend before that date.

Previous Requests to Council

8. Members may recall that a similar application was approved for Councillor Hutchinson in September 2013 and applications have also 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.

Casual Vacancies

9. As is the case for all Councillors, Councillor Hutchinson's current term of office will expire in May 2015. In considering the options in paragraph 10 below, Members are advised that in accordance with Section 89(3) of the Local Government Act 1972, where a casual vacancy in office occurs within six months before the day on which the councillor whose office is vacant would regularly have retired an election shall not be held and the vacancy shall be filled at the next ordinary elections.

Options

10. Council has the following options :-

- (a) Do not agree to the request and, unless Councillor Hutchinson attends a meeting prior to 8 December 2014, she will cease to be a Member of the Council (and the resultant vacancy will not be filled as detailed in paragraph 9 above).
- (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:-
 - (i) Until she next attends a meeting at the Town Hall; or
 - (ii) Until the reason no longer applies.