

Report to: **COUNCIL**

Date: **15 February 2022**

Title: **MEMBER APPOINTMENTS AND WAIVER OF SIX MONTH COUNCILLOR ATTENDANCE RULE**

Portfolio Area: **Council – Cllr Jory**

Wards Affected: **Bere Ferrers, Burrator, Milton Ford, Tamarside and Tavistock Wards**

Urgent Decision: **Y / N** Approval and clearance obtained: **Y / N**

Date next steps can be taken: Immediately following this meeting

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**RECOMMENDATIONS:**

**That Council be RECOMMENDED:**

- 1. to approve the appointment of Cllr P Crozier to be the Council's representative to serve on the Tamar Valley AONB Partnership Committee for the remainder of the 2021/22 Municipal Year;**
- 2. to approve the appointment of Cllr P Vachon to be the Council's representative to serve on the Tavistock College Endowment Fund Trustees for the remainder of the 2021/22 Municipal Year; and**
- 3. to note the requirement, in accordance within Section 85(1) of the Local Government Act 1972, for Members of a Local Authority to attend at least one meeting of that Authority within a six-month consecutive period, in order to avoid being disqualified as a Councillor.**

**1. Executive summary**

**Tamar Valley AONB Partnership Committee**

- 1.1. The Council has been notified that Cllr A Coulson wishes to resign from his appointed position as the Council's representative on the Tamar Valley AONB Partnership Committee. It is therefore necessary to appoint a replacement Member to fill this vacancy for the remainder of the 2021/22 Municipal Year.

## **Tavistock College Endowment Fund Trustees**

- 1.2 The recent resignation of Mr Steve Hipsey from the office of West Devon Borough Council has resulted in a vacancy arising on the Tavistock College Endowment Fund Trustees Outside Body. It is therefore also necessary to appoint a replacement Member to fill this vacancy for the remainder of the 2021/22 Municipal Year.

### **Six Month Attendance Rule**

- 1.3 Section 85 (1) of the Local Government Act 1972 requires a Member of a Local Authority to attend at least one meeting of that Authority within a six-month consecutive period, in order to avoid being disqualified as a Councillor. This requirement can be waived and the time limit extended if any failure to attend was due to a reason approved by the Authority, in advance of the six month period expiring.
- 1.4 Due to illness and self-isolating as a result of the COVID-19 Pandemic, there were Councillors who may have required an extension to this six-month rule at this Council Meeting in order to enable them to remain in office until they were able to resume normal duties. However, officers have been advised that these Councillors will be in attendance at this Council Meeting, but should that not be the case, Council can decide whether or not to waive the rule in each case.

## **2. Background**

### **Tamar Valley AONB Partnership Committee and Tavistock College Endowment Fund Trustees**

- 2.1. The Group Leaders have been consulted and Cllr P Crozier has been nominated to fill the vacancy on the Partnership Committee and Cllr P Vachon for the Tavistock College Endowment Fund Trustees for the remainder of the 2022/23 Municipal Year respectively.

### **Six Month Attendance Rule**

- 2.2 Section 85 (1) 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 their last attendance, to attend any meeting of the Authority they will, unless the failure was due to some good reason approved by the Authority before the expiry of that period, cease to be a member of the Authority.”
- 2.3 The Authority can only consider approval of any reasons for non-attendance before the end of the relevant six month period, which will be 28 March 2022. This meeting of Full Council is the last scheduled meeting before 28 March 2022. Section 85 (1) of the Local Government Act 1972 enables a Local Authority to approve the reason(s) for non-attendance of a Member at any meeting of the Authority throughout a period of six consecutive months, provided that approval is given by the Authority before the expiry of the six month period.
- 2.4 Once any councillor loses office, through failure to attend for the six month period, the disqualification cannot be overcome by the councillor

subsequently resuming attendance nor can retrospective approval of the Authority be sought for an extension in time.

### 3. Outcomes/outputs

#### **Tamar Valley AONB Partnership Committee and Tavistock College Endowment Fund Trustees**

- 3.1 The appointment of Cllrs P Crozier and P Vachon to serve on the Partnership Committee and Endowment Fund Trustees respectively will ensure that the Borough Council continues to be represented on these Outside Bodies.

#### **Six Month Attendance Rule**

- 3.2 The Council is asked to note the requirements associated with the Six Month Attendance Rule.

### 4. Options available and consideration of risk

#### **Tamar Valley AONB Partnership Committee and Tavistock College Endowment Fund Trustees**

- 4.1 With regard to such appointments, there is a risk that Members may find themselves in positions where interests conflict potentially damaging both their own and the Council's reputation. To mitigate this risk, Members are encouraged to contact the Council's Monitoring Officer.

#### **Six Month Attendance Rule**

- 4.2 In the event of a Councillor making a request to extend a period of absence, the Council is obliged to consider the request.

### 5. Proposed Way Forward

#### **Tamar Valley AONB Partnership Committee and Tavistock College Endowment Fund Trustees**

- 5.1. That Cllrs P Crozier and P Vachon be appointed to serve on the Partnership Committee and Endowment Fund Trustees Outside Bodies for the remainder of the 2021/22 Municipal Year.

#### **Six Month Attendance Rule**

- 5.2 The Council is asked to note the requirements associated with the Six-Month Attendance Rule.

### 6. Implications

| Implications | Relevant to | Details and proposed measures to address |
|--------------|-------------|--|
|--------------|-------------|--|

|  | proposals<br>Y/N |  |
|--|------------------|--|
| Legal/Governance   |                  | If approval is not provided to waiver the six-month attendance rule, a Councillor will cease to be a Member of the Authority once this period has expired. |
| Financial implications to include reference to value for money |                  | Councillors that have been granted an extended period of absence will continue to receive their allowance unless otherwise requested.                      |
| Risk   |                  | Section 4 above refers.  |
| Supporting Corporate Strategy                                  |                  | N/A  |
| Climate Change - Carbon / Biodiversity Impact                  |                  | None   |
| <b>Comprehensive Impact Assessment Implications</b>            |                  |  |
| Equality and Diversity   |                  | None   |
| Safeguarding   |                  | None.  |
| Community Safety, Crime and Disorder                           |                  | None   |
| Health, Safety and Wellbeing                                   |                  | None   |
| Other implications   |                  | None   |

### **Supporting Information**

#### **Appendices:**

None

#### **Background Papers:**

Local Government Act 1972