



## FULL COUNCIL

Wednesday, 26 February 2020

### URGENT ITEM OF BUSINESS – COUNCILLOR REQUEST FOR EXTENDED LEAVE OF ABSENCE

#### EXECUTIVE SUMMARY

1. The law 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 of any meeting of the authority, they shall, unless the failure was due to a reason approved by the Authority, before the expiry of that period, cease to be a Member of that Authority.
2. Councillor Frank Mortimer has not been able to attend any Council or Committee meetings since he attended the Full Council meeting on Wednesday, 25 September 2019. On behalf of Councillor Mortimer, a formal request is being made to the Council for approval of an extended leave of absence, in order that he is not disqualified by virtue of non-attendance within a six month period.

Is the report Open or Exempt?	Open
<b>Wards Affected:</b>	Carlton and Whitton
<b>Cabinet Member:</b>	Councillor Steve Gallant Leader of the Council
<b>Supporting Officer:</b>	Hilary Slater Monitoring Officer and Head of Legal and Democratic Services 01394 444336 <a href="mailto:hilary.slater@eastsoffolk.gov.uk">hilary.slater@eastsoffolk.gov.uk</a>

## **1 INTRODUCTION**

- 1.1 Section 85 of the Local Government Act 1972 ('the Act') 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 any meeting of the authority, they 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 that Authority.
- 1.2 Councillor Frank Mortimer has not attended any Council or Committee meetings since Full Council on 25 September 2019.
- 1.3 Council can only consider the approval of any reasons for non attendance before the end of the relevant six month period, which will be 25 March 2019. The next scheduled Full Council meeting after the six month period is on 25 March 2019, so it would be best practice to consider this matter now, rather than leave it to the last moment.
- 1.4 Councillor Mortimer was elected to the District Council in May 2019 for the Carlton and Whitton Ward. Councillor Mortimer had been unable to attend meetings of the Council due to ongoing health issues. As a result, Councillor Mortimer has been unable to fulfil his responsibilities as a Ward Member, however his District Council Ward duties are being picked up by the other Ward Councillor for Carlton and Whitton (Councillor T Mortimer).
- 1.5 Councillor Gallant, as the Leader of the Conservative Group and Leader of the Council, has submitted the request for Councillor Mortimer to be granted an extended leave of absence beyond the usual six month rule, to give him the opportunity to recover fully and resume his District Councillor duties.

## **2 OTHER FACTORS TO CONSIDER**

- 2.1 Currently, Councillor Mortimer's apologies are being submitted for all Full Council and Licensing Committee meetings.
- 2.2 Should Councillor Mortimer recover sufficiently, there would be nothing to prevent him from resuming his Ward duties and / or attending meetings before the expiry of any approved extended time period or within the intervening period.

## **3 HOW DOES THIS RELATE TO THE EAST SUFFOLK BUSINESS PLAN?**

- 3.1 A Councillor's work in the local community is important and feeds directly into the successful achievements of the entire East Suffolk Business Plan.

## **4 FINANCIAL AND GOVERNANCE IMPLICATIONS**

- 4.1 Consideration of this issue is being brought to Council at this time, in the interest of sound governance and transparency. Any approved extended leave of absence would provide Councillor Mortimer with an opportunity to recover from his illness and resume his Council duties. Having formally received the request of behalf of Councillor Mortimer, the Council is legally required to consider it.
- 4.2 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 Council be sought.
- 4.3 It is proposed that the time limit for non-attendance at Council meetings by Councillor Mortimer should be extended for six months, to allow Councillor Mortimer plenty of time to recover.
- 4.4 Councillor Mortimer is entitled to receive Basic Allowance payments in accordance with the Members Allowance Scheme. This annual allowance is paid on a monthly basis to all

District Councillors and would continue until a Councillor ceases to hold office.

## **5 OTHER KEY ISSUES**

- 5.1 Decisions are implemented in accordance with the Council's Constitution and statutory legislation. Members carry out an important community leadership role and in considering the issues before them, help build a stronger, healthier and just society.

## **6 CONSULTATION**

- 6.1 Consultation has been taken with Councillor Mortimer and Councillor Gallant (Leader of Conservatives and Leader of the Council).

## **7 OTHER OPTIONS CONSIDERED**

- 7.1 None. Once a request has been received from a Councillor to extend their period of office beyond the six month period of non-attendance, the Full Council is duty bound to consider the request.

## **8 REASON FOR RECOMMENDATION**

- 8.1 To ensure compliance with the request made on behalf of Councillor Frank Mortimer, in line with the relevant legislation.

### **RECOMMENDATION**

That Councillor Frank Mortimer's request for an extended leave of absence be approved for 6 months, until 26 August 2020.

**APPENDICES – None**

**BACKGROUND PAPERS – None**