

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL
COUNCIL

10th MARCH 2021

**VACATION OF OFFICE BY A COUNCILLOR AS A RESULT OF
NON-ATTENDANCE AT MEETINGS**

**REPORT OF THE SERVICE DIRECTOR, DEMOCRATIC SERVICES &
COMMUNICATIONS**

1. PURPOSE OF THE REPORT

1.1 This report provides:

- (i) Members with details of the provisions of Section 85 and 86 of the Local Government Act 1972 (“LGA 1972”), which deal with a vacation of office by a Councillor because of a failure to attend meetings; and
- (ii) provides information in respect of the non-attendance at meetings by a Member of Rhondda Cynon Taf CBC for over a six-month period, without permission for absence being approved by Council.

2. RECOMMENDATIONS

It is recommended that Members:

- 2.1 Acknowledge the detail provided within the report in respect of the non-attendance at meetings by Councillor G. Williams for over a six-month period without permission for absence being approved by Council; and
- 2.2 Considers this matter in line with Sections 85 and 86 of the Local Government Act 1972 and determines whether Councillor G. Williams’ office as a Member of Rhondda Cynon Taf CBC (for the Penrhiwceiber Electoral Ward) should now be declared vacant.

3. REASONS FOR RECOMMENDATIONS

- 3.1 The need to advise Members of the position in respect of a Member’s non-attendance at meetings for over a six-month period, without permission being approved by Council and the subsequent action needed to be taken forward.

4. BACKGROUND

- 4.1 Section 85(1) of the LGA 1972 requires a Member of a Local Authority to attend at least one meeting of that Authority within a six-month consecutive

period unless permission for the absence is granted by the Authority in advance. Without advance permission to be absent, loss of office is automatic and permission cannot be granted retrospectively

- 4.2 Attendance in an official capacity at a relevant meeting of the Council is defined as attendance at Cabinet, a Committee or a Sub-Committee of the Council or at any meeting of a joint Committee or other such body discharging functions of the Council or at any meeting as a representative of the Council is deemed to be a meeting of the Council.
- 4.3 Council is advised that if a Member loses their office through failure to attend for the six-month period, the disqualification cannot be overcome by the Member subsequently resuming attendance.
- 4.4 On the [18th March 2020](#) a joint report was presented to Council by the Service Director for Democratic Services and Communications and the Director of Legal Services, whereby it was agreed that in the event any Councillor listed in Appendix A of that report could not attend a Council meeting, for a period of six consecutive months owing to the Covid-19 virus, then their failure to attend any meetings was approved by the Council in accordance with Section 85 of the Local Government Act 1972. As the report stated it was unknown at that time when normal arrangements for Council meetings would be reinstated and therefore Members were asked to make that decision in the event that future meetings may have been some way off.
- 4.5 At that time it was also unclear what legislation would be made by the Senedd in respect of the operation of local authority meetings and Member attendance at those meetings, including the operation of the six-month rule.
- 4.6 On the 22nd April 2020 with the coming into force of the Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020, provision was made for Council and Committee meetings to be able to be reconvened on a virtual basis, in-line with the ability provided by those regulations.
- 4.7 These regulations also further amended section 85 of the LGA 1972 by stating that the period from 22nd April 2020 to the first day on which a meeting is held (and which a Member could attend) is to be disregarded for the purpose of recording a Member's attendance at meetings and the operation of the six-month rule.
- 4.8 By virtue of the above a Member's attendance at meetings for compliance with the six-month rule was therefore recorded from July 2020 when Full Council meetings resumed and Members had received training (or the offer of training) in respect of the operation of remote meetings, including the use of Zoom software.

5. **FAILURE OF A MEMBER TO ATTEND A MEETING DURING A SIX-MONTH CONSECUTIVE PERIOD**

5.1 Since the commencement of virtual meetings attendance records show that Councillor G. Williams has not attended a Council meeting for over six-months and has not had a reason for his non-attendance approved by Council within that period. The Member has also not requested Officers present a report to Full Council asking that it considers a reason (or reasons) for his non-attendance. The Member last attended a meeting of the Council on the 4th March 2020.

5.2 Members are advised that reasonable efforts have been made to contact the Member. The Member has received written correspondence offering support and assistance to enable and if necessary, support his attendance at virtual meetings. The Member has also been telephoned by Democratic Services to enquire if there were any barriers preventing his attendance at meetings but were not able to make contact.

5.3 Provision of a reason by a Member to the Proper Officer, or taking advantage of the assistance offered, prior to expiration of the six-month period would have afforded the opportunity for Full Council to consider any extenuating circumstances and respond accordingly.

5.4 The Member has been written to by Officers, advising him of the intention to present this matter to Full Council.

5.5 Where a Member of an Authority ceases to be a Member of the Authority by reason of failure to attend meetings of the Authority the Authority shall forthwith declare their office to be vacant.

6. **CONSULTATION / INVOLVEMENT**

6.1 Not applicable

7. **EQUALITY AND DIVERSITY IMPLICATIONS**

7.1 All Members are supported by the Council Business Unit to undertake their role and to attend meetings.

8. **FINANCIAL IMPLICATIONS**

8.1 A financial cost would arise due to the requirement to hold a by-election in the relevant Electoral Ward as a result of any Council declaration as to a vacation by a Member of their office.

9. **LEGAL IMPLICATIONS OR LEGISLATION CONSIDERED**

9.1 The legal implications and relevant legislation are outlined in the body of the report.

10. LINKS TO THE COUNCILS CORPORATE PLAN / OTHER CORPORATE PRIORITIES.

10.1 Not applicable.

11. CONCLUSION

11.1 Members have a duty to attend a meeting of the Council within a consecutive six-month period in accordance with section 85 of the LGA 1972.

11.2 Councillor G. Williams has failed to attend a meeting for a consecutive six-month period and therefore Council is asked to determine whether Councillor G. Williams' office as a Member of Rhondda Cynon Taf CBC (for the Penrhiwceiber Electoral Ward) should now be declared vacant.

LOCAL GOVERNMENT ACT 1972

AS AMENDED BY

THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

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Background Papers

**Dispensation for Councillor Leave of Absence – All Councillors
Joint Report of the Service Director, Democratic Services and
Communication and Director of Legal Services - [18th March 2020](#)**

Officer to contact: Emma Wilkins, Council Business Unit