



RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

COUNCIL

26th MAY 2021

WAIVER OF SIX MONTH COUNCILLOR ATTENDANCE RULE

JOINT REPORT OF THE DIRECTOR OF LEGAL SERVICES AND SERVICE DIRECTOR OF DEMOCRATIC SERVICES & COMMUNICATION.

1. PURPOSE OF THE REPORT

To consider granting permission for absence from all Council and Committee meetings to Councillor Clayton Willis due to his current ill health in accordance with the relevant legislation.

2. RECOMMENDATION

- 2.1 That permission for absence from all Council and Committee meetings be granted to Councillor Clayton Willis due to his current ill-health with such absence being authorised and approved by Full Council for a period of up to six months ending on 26th November 2021, or until he resumes attendance if that is sooner, in accordance with section 85 of the Local Government Act 1972.

3. REASONS FOR RECOMMENDATIONS

- 3.1 The need to advise Members of the current position in respect of a Member's attendance at meetings and to allow Councillor Clayton Willis to remain in office until his health allows him to be able to resume normal duties.

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. This includes attendance as a Local Education Authority representative upon a Governing body.

- 4.3 Councillor Willis (Beddau Ward), has been unwell and has not attended a meeting of the Council since 15th January 2021.
- 4.4 Council can only consider approval of any reasons for non-attendance before the end of the relevant six month period which will end on 15th June 2021. Democratic Services have been advised by the Member's family and Group Leader, that due to a recent period in hospital they may be unable to attend the Council AGM or the Extra Ordinary Council meeting, both scheduled for the 26th May 2021, therefore this report has been submitted to approve an extension of the usual six month attendance rule.
- 4.5 If Councillor Willis is unable to attend any Council meeting before 15th June 2021, or if a reason for absence is not approved by Council in advance of that date, Councillor Willis would cease to be a Member of the Authority, and a report advising members of this fact would be presented to the July meeting of Council.
- 4.6 Councillor Willis has maintained dialogue with Democratic Services throughout his recent period of ill-health.
- 4.7 A dispensation would enable Councillor Willis to remain in office until he is able to resume normal duties when he returns to good health.
- 4.8 This dispensation will not prevent Councillor Willis resuming attendance at meeting within this period, once his personal health improves.
- 4.9 As such it is recommended that permission for absence from all Council and Committee meetings be granted to Councillor Willis due to his current ill-health with such absence being authorised and approved by Full Council for a period of six months ending on 26th November 2021, or until he resumes attendance if that is sooner, in accordance with section 85 of the Local Government Act 1972.
- 4.10 Councillor Willis has been a member of the local authority since its inception and has previously served as a Council Cabinet Member for ten-years.

5 EQUALITY AND DIVERSITY IMPLICATIONS

- 5.1 There are no specific equalities implications that directly affect the Council arising from the report. The Council will continue to provide the support required by the elected member during their period of ill health.

6 FINANCIAL IMPLICATIONS

- 6.1 If permission for absence is not granted and Councillor Willis was unable to attend a meeting ahead of the six month cut off period Council would need to declare the seat vacant and a by-election would need to be called for which there would be a financial cost to the Council.

7 CONSULTATIONS

- 7.1 Consultation has been undertaken with Councillor Willis's political group leader prior to the making of this recommendation.

8 LEGAL IMPLICATIONS OR LEGISLATION CONSIDERED

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

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

- 9.1 Not applicable.

10. CONCLUSION

- 10.1 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.
- 10.2 Members are asked to consider granting a dispensation to Councillor Willis due to his current ill health.

LOCAL GOVERNMENT ACT 1972

as amended by

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

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LIST OF BACKGROUND PAPERS

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Free-standing Matter