



ADUR DISTRICT COUNCIL

Adur Council
20 July 2023
Item 6 - Urgent Item

Councillor Non-Attendance Throughout a Period of Six Consecutive Months

Report by the Director for Sustainability & Resources

Executive Summary

1. Purpose

1.1 Section 85 of the Local Government Act 1972 provides 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 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.

1.2 This report seeks the Council's approval of the reasons for absence of a Councillor from meetings for longer than a six month period in special circumstances.

2. Recommendations

2.1 That Adur District Council approves the reasons given for Councillor Wilkinson's period of absence set out at Paragraph 4 of this Report and authorises Councillor Wilkinson to continue in his position as Councillor until such time as he is fit to return to work, which is anticipated to be in the Autumn 2023.

3. Background

- 3.1 Councillor Wilkinson last attended a formal meeting of the Council on 23rd February 2023. This was the full Council meeting and his attendance is recorded in the minutes. However, he has been unable to attend a Council meeting since this date.
- 3.2 Section 85 of the Local Government Act 1972 confirms that a Councillor will cease to be a Councillor if they are unable to attend any meetings of the Council throughout a period of six consecutive months from the date of their last attendance. To prevent this 6 month rule applying (from 23rd February) the Council must approve the reasons for the non-attendance before 24th August 2023.

4.0 Issues to Consider

- 4.1 Councillor Wilkinson has confirmed that he is suffering from ill health for which he is being treated and requires a period of convalescence. He anticipates being able to return to his Councillor duties in Autumn 2023.
- 4.2 If full Council does not officially approve the reason for Councillor Wilkinson's absence, then as Councillor Wilkinson is unable to attend a meeting by 24th August 2023, he will cease to be a Councillor and a vacancy will be declared.

5.0 Financial implications

- 5.1 There are no additional costs arising from this report although if Members were minded not to approve the reasons for absence, the additional cost of running a by-election is to be considered.

6.0 Legal

- 6.1 Section 85 of the Local Government Act 1972 as referenced at Paragraph 1.1 of this Report.

Background Papers:

Minutes Adur District Council Meeting 23 February 2023

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Sustainability & Risk Assessment

1. Economic

- Matter Considered, no issues identified

2. Social

2.1 Social Value

- Matter Considered, no issues identified

2.2 Equality Issues

- Matter considered and included within the report

2.3 Community Safety Issues (Section 17)

- Matter considered and not relevant.

2.4 Human Rights Issues

- Matter considered

3. Environmental

- Matter considered, no issues identified

4. Governance

- Should Council not agree to extend the six month attendance rule the Council will need to consider the resulting vacancy in Cokeham Ward; Councillor Wilkinson is currently due to seek re-election in May 2024
- Council will need to consider any reputational damage of not extending the six month rule for Councillor Wilkinson due to ill-health and convalescence.