

COUNCIL
26 FEBRUARY 2015
CONSTITUTIONAL MATTER

Report from/Author: Perry Holmes, Monitoring Officer

Summary

This report asks the Council to approve the reason for a Councillor to be absent from meetings.

1. Budget and Policy Framework

1.1 The approval of a reason for the absence by a Councillor from meetings is a matter for the Council to determine.

2. Request to the Council to approve the reason for a Councillor to be absent from meetings

2.1 Councillor Sheila Kearney, who is one of the Councillors representing Gillingham South ward, has been unable to attend meetings for several months owing to ill health.

2.2 Section 85 of the Local Government Act 1972 says 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 attend any meeting of the authority, he/she 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.

2.3 The last meeting attended by Councillor Kearney was the Full Council meeting on 16 October 2014. Councillor Kearney would cease to be a member of Medway Council by operation of law if she was unable to attend meetings before 16 April 2015 unless the Council approves the reason for her absence. Such approval must be given before the expiry of six months from the date of her last attendance.

2.4 The Leader of the Liberal Democrat Group is, on behalf of Councillor Mrs Kearney, through this report, asking that the Council agree to approve her current leave of absence owing to ill health until the end of her current term of office.

2.5 This Council meeting is the last opportunity to approve the absence before 16 April 2015.

3. Risk management

- 3.1 Risk management is an integral part of good governance. The Council has a responsibility to identify and manage threats and risks to achieve its strategic objectives and enhance the value of services it provides to the community.

Risk	Description	Action to avoid or mitigate risk
Cessation of membership of the Council by a Councillor due to ill health	Councillor Mrs Kearney would cease to be a member of the Council if she is unable to attend a meeting before 16 April 2015.	Under Section 85 of the Local Government Act 1972 Full Council can approve the reason for a member's absence thereby avoiding them ceasing to be Councillor through operation of law.

4. Financial and legal implications

- 4.1 There are no financial implications arising from this report.
- 4.2 The relevant legal implications and requirements are set out in detail in the body of the report.

5. Recommendations

- 5.1 To approve the absence of Councillor Sheila Kearney as a consequence of her long term health issues until the end of her current term of office.

Lead officer contact

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Background papers

None