

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

9TH FEBRUARY, 2009

1. VACANCY ON THE AUTHORITY

Report of the Clerk

RECOMMENDED

THAT the Authority declare a vacancy and serve notice on Dudley Council to make an appointment to the Authority.

2. PURPOSE OF REPORT

This report is submitted to inform the Authority that Councillor G Davies has been unable to attend a meeting of the Authority for six consecutive months due to ill-health and that his seat has now fallen vacant.

3. BACKGROUND

3.1 Dudley Council re-appointed Councillor G Davies to the Authority in May 2008. Councillor Davies attended the Annual Meeting on 23rd June, 2008 but unfortunately has been suffering ill health and has not been able to attend any meetings since that date. Councillor Davies is one of the longest serving members on the Authority having first been appointed in June 1989. There is nothing to prevent Dudley Council re-appointing Councillor Davies to the Authority.

3.2 In normal circumstances a report would have been submitted to the December Authority meeting to indicate the position with Councillor Davies' attendance and to seek a dispensation for him on the grounds of his illness but as this meeting was cancelled the opportunity was lost.

4. EQUALITY IMPACT ASSESSMENT

In preparing this report an initial Equality Impact Assessment has been carried out which did not raise any issues which required a full Equality Impact Assessment to be completed.

5. **LEGAL IMPLICATIONS**

- 5.1 Section 85 of the Local Government Act 1972 states that if a member fails to attend throughout a period of six consecutive months from the date of his last attendance, he shall, unless the failure was due to some reason approved by the authority before the expiry of that period, cease to be a member.
- 5.2 Section 32(2) of the Local Government Act 1985 states that where a joint authority declares a seat to be vacant, immediate notice has to be given to the appointing authority. The appointing authority then has one month to make a fresh appointment, which takes effect as soon as notification of the appointment is received by the joint authority.

6. **FINANCIAL IMPLICATIONS**

None.

BACKGROUND PAPERS

Attendance record on the Committee Management Information Service.

SUSAN PHELPS
CLERK