

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

19 NOVEMBER 2018

1. EXTENSION TO SIX MONTH ATTENDANCE

Report of the Clerk and Monitoring Officer.

RECOMMENDED

THAT having regard to the circumstances of the absence of Councillor S Walsh from Authority meetings, consideration be given to the waiving of the requirements of Section 85 of the Local Government Act 1972 and to approve an extension of the six month rule for Councillor S Walsh for a period of six months, with effect from 19 November 2018, expiring on 18 May 2019.

2. PURPOSE OF REPORT

This report is submitted to seek approval to an extension of a six month attendance rule to excuse the non-attendance of Councillor S Walsh at Authority meetings for a period of six months, with effect from 19 November 2018, expiring 18 May 2019.

3. BACKGROUND

- 3.1 Due to Councillor S Walsh suffering ill-health, a formal request has been received for an extension to the six-month rule to be approved on the grounds that Councillor S Walsh's non-attendance has been due to ill-health and ongoing recovery. The Authority can only consider such a request where approval is given in relation to the reasons for non-attendance before the end of the relevant six-month period which will be 23 December 2018.

Under the circumstances, it is requested that the Authority approve an extension of the six month rule for Councillor S Walsh and that the Authority's best wishes be conveyed to Councillor S Walsh for a speedy recovery. If approved, the extension of time would be effective for a six month period from 19 November 2018 expiring on 18 May 2019. This does not, of course, prevent Councillor S Walsh from returning to meetings at any time if his health improves sufficiently.

4. **EQUALITY IMPACT ASSESSMENT**

In preparing this report an initial Equality Impact Assessment is not required and has not been carried out. The matters contained in this report will not lead to and/or do not relate to a policy change.

5. **LEGAL IMPLICATIONS**

- 5.1 Section 85 of the Local Government Act 1972 states 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 will, unless the failure was due to some good reason approved by the Authority before the expiry of that period, cease to be a member of the Authority'. Attendance can be at any committee or sub-committee, or any joint committee, joint board or other body where the functions of the Authority are discharged or who were appointed to advise the Authority on any matter relating to the discharge of their functions. The requirement can be waived and the time extended if any failure to attend was due to a reason approved by the Authority, in advance of the six month period expiring.
- 5.2 Should any councillor lose office through failure to attend for the six month period, the disqualification cannot be overcome by the councillor subsequently resuming attendance nor can retrospective approval of the Authority be sought for an extension in time. If the Authority decided not to approve an extension and, as they would be unable to attend another meeting, a vacancy would arise and the relevant constituent council notified.

6. **FINANCIAL IMPLICATIONS**

The budget provision already established for Members allowances would accommodate the proposed action.

7. **ENVIRONMENTAL IMPLICATIONS**

There are currently no environmental implications.

BACKGROUND PAPERS

The Constitution of the West Midlands Fire and Rescue Authority.

The contact officer for this report is Deputy Chief Fire Officer Phil Hales, telephone number 0121 380 6907.

KAREN GOWREESUNKER
CLERK

SATINDER SAHOTA
MONITORING OFFICER