

Wiltshire Council

Full Council

16 October 2018

Extended Leave of Absence- Cllr David Jenkins

Purpose of Report

1. To ask Council to consider a request from Councillor David Jenkins for an extension of office beyond the six month period of non-attendance due to ill health.

Main considerations of the Council

2. Under Section 85 (1) of the Local Government Act 1972, if a member of a local Authority fails throughout a period of six consecutive months, from the date of his or her last attendance to attend any meeting of the authority or as a representative of the authority on an outside body, he or 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.

Background

3. As members may be aware, Councillor David Jenkins, who represents Westbury North, is presently recovering from surgery after a fall, which has resulted in extremely limited mobility in both of his arms, wrists and hands.
4. Councillor Jenkins has not been able to attend any Council or Committee meeting since the Strategic Planning Committee meeting on 15 August 2018 and has requested Council to approve an extension to the usual six month rule to enable him to remain in office, in the event he is not able to return to his duties before 14 February 2019.
5. Council can only consider approval of any reasons for non-attendance before the end of the relevant six month period, which would be 14 February 2019. This Council meeting would be the last opportunity for Council to consider such a request before the expiry of the relevant six month period.
6. Councillor Jenkins currently serves as a full member of the Staffing Policy Committee and Strategic Planning Committee, and as a substitute member on Health Select Committee, Overview and Scrutiny Management Committee and Western Area Planning Committee. Cllr Jenkins is also the Chairman of Westbury Area Board and a representative on the Local Youth Network.
7. Councillor Gordon King is looking after the needs of Westbury North division, acting as interim Chairman for Westbury Area Board, and is exercising planning call-in responsibilities for Westbury North. Substitution arrangements for Committee meetings are to be made on a per meeting basis.

Safeguarding Implications

8. None applicable.

Public Health Implications

9. None applicable.

Equalities Impact

10. Not applicable.

Environment and Climate Change considerations

11. None applicable.

Risk Assessment

12. Not applicable.

Financial Implications

13. None applicable.

Procurement Implications

14. None applicable.

Legal Implications

15. Section 85(1) of the Local Government Act 1972 enables a local authority to approve the reason(s) for non-attendance of a Member at any meeting of the authority throughout a period of six consecutive months, provided that approval is given by the authority before the expiry of the six month period.
16. If the approval of Council is not given at this meeting, and considering that Councillor David Jenkins may not be well enough to resume his duties as a member of the Council before the expiry of the six month period, Councillor David Jenkins would be disqualified from office as a Councillor. Council is unable to grant retrospective approval.

Proposals

- a) That Council approves the request from Councillor David Jenkins for an extension beyond the six month period of non-attendance on the grounds of ill health.**

(b) That such an extension be granted until the end of February 2019 which would allow for any request for a further extension being considered by Council at its meeting on 26 February 2019. In the event of that meeting either being cancelled or postponed, such an extension is to remain in place until after the next available meeting of the Council.

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Background Papers: None