

Extended Leave of Absence- Cllr Anna Cuthbert

Purpose of Report

1. To ask Council to consider a request from Councillor Anna Cuthbert 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 Anna Cuthbert, who represents Bromham, Rowde and Potterne division, is currently taking a break from her council duties to work through a period of poor mental health.
4. Councillor Cuthbert has not been able to attend any Council or Committee meeting since the Devizes Area Board meeting on 16th July 2018 and has requested Council to approve an extension to the usual six month rule to enable her to remain in office, in the event she is not able to return to her duties before 15th January 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 15th January 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 Cuthbert currently serves as a substitute member on Audit Committee, Eastern Area Planning Committee, Health Select Committee, Licensing Committee and Overview and Scrutiny Management Committee.
7. Councillor Laura Mayes is currently covering responsibilities for Rowde parish, Councillor Seed is covering Bromham, and Councillor Gamble for

Potterne. These members are also exercising planning call-in responsibilities for those parishes.

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 Cuthbert may not be well enough to resume her duties as a member of the Council before the expiry of the six month period, Councillor Anna Cuthbert would be disqualified from office as a Councillor. Council is unable to grant retrospective approval.

Proposals

a) That Council approves the request from Councillor Anna Cuthbert 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.

Ian Gibbons

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Background Papers: None