

Wiltshire Council

Full Council

26 February 2019

Extended Leave of Absence - Cllr David Jenkins

Purpose of Report

1. To ask Council to consider a further 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 suffering from ill health and is recovering from a fall in autumn 2018.
4. Councillor Jenkins has not been able to attend any Council or Committee meeting since the Strategic Planning Committee meeting on 15 August 2018. At the October 2018 Full Council meeting, Council approved an extension to the usual six-month rule to enable Cllr Jenkins to remain in office until the end of February 2019, in the event he was 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. As Cllr Jenkins is not yet well enough to return to his duties, the Council is requested to consider a further agreement to his leave of absence.
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. 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 next ordinary meeting of Council on 21 May 2019. In the event of that meeting either being cancelled or postponed, such an extension is to remain in place until the next ordinary meeting of the Council.

c) That following the expiry of this extension, Councillor Jenkins will have six months to attend a meeting of the authority, or act as a representative of the

authority on an outside body. If this criteria is not met, or a further extended leave of absence is not agreed, that councillor will thereafter cease to be a member of the authority.

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Background Papers: None