

**BIRMINGHAM CITY COUNCIL****PUBLIC REPORT**

<b>Report to:</b>	<b>COUNCIL BUSINESS MANAGEMENT COMMITTEE</b>
<b>Report of:</b>	<b>ACTING CITY SOLICITOR</b>
<b>Date of Decision:</b>	<b>22 November 2016</b>
<b>SUBJECT:</b>	<b>DISPENSATION FOR NON-ATTENDANCE OF A COUNCILLOR AT COUNCIL MEETINGS</b>
<b>Ward:</b>	<b>HARBORNE</b>

<b>1. Purpose of report:</b>
1.1 This report provides details of a recommendation that the Council approve a period of absence from meetings by a Councillor pursuant to section 85 of the Local Government Act 1972.

<b>2. Recommendations :</b>
That Council Business Management Committee:
2.1 Note Councillor John Alden has been unable to attend meetings since early October due to ill health and a period of hospitalisation-
2.2 On behalf of the Council, this Committee wishes Councillor John Alden a speedy recovery.
2.3 Approves the non-attendance of Councillor John Alden at Council meetings until 13 March 2017 pursuant to S85 Local Government Act 1072.
2.4 Approves the Chief Executive writing to Councillor Alden as soon as possible, confirming the approval of this committee and to formally wish him a speedy recovery.

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<b>3. Relevant background:</b>
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- 3.1 Section 85(i) of the Local Government Act 1972 states “if a member of a Local Authority fails throughout a period of six consecutive months from the date of his last attendance to attend any meeting of the Authority, 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 of the Council.
- 3.2 Attendance in an official capacity at a meeting of a committee or sub-committee of the Council or at any meeting of a joint committee or other such body discharging functions of the Council or at any meeting as a representative of the Council is deemed to be a ‘meeting of the Council’.
- 3.3 The City Solicitor has been advised that Councillor John Alden due to ill health and is expected to be absent for at least 10 weeks. Councillor Alden has not been able to attend council meetings since early October.
- 3.4 If after six months from 13 September 2016 the Council has not approved the absence then the member as a result of the operation of law ceases to be a member of the Council from 13 March 2017. The six months runs from the date of the member's last attendance and approval must be given within that six month period.
- 3.5 Once approval had been given and it can be for no more than 6 months prospectively or retrospectively or a combination of both – then the statutory six months period begins to run again from the end of the period for which approval has been given.
- 3.6 For the avoidance of doubt, if Councillor Alden fails to attend any meeting of the Council by 13 March 2017 he would be disqualified as a Councillor under the statutory provision (Section 85(1) of the Local Government Act 1972) unless the Council passes a further resolution under before that date.

**Signatures of approval to submit the report to Committee:**

Kate Charlton – Acting City Solicitor:

Dated: 14 November 2016