

Meeting: COUNCIL
Portfolio Area: Members' Services
Date: 9 OCTOBER 2013

Agenda Item: **13**

LOCAL GOVERNMENT ACT 1972 – SECTION 85

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1. PURPOSE

- 1.1 To consider the decision of the Executive to approve the reason for non-attendance on medical grounds of Councillor David Cullen, before the six month deadline is reached on 22 November 2013

2. RECOMMENDATION

- 2.1 That decision of the Executive to approve the reason for non-attendance on medical grounds of Councillor David Cullen, before the six month deadline is reached on 22 November 2013 be confirmed.

3. BACKGROUND

- 3.1 At its meeting on 3 September 2013 it was reported that Councillor David Cullen had recently undergone acute surgery following a recent period of illness. The surgery will require an extended period of convalescence.
- 3.2 Councillor Cullen last attended a Council meeting on 23 May 2013. It had been his intention to attend the Planning & Development Committees in July and August but his illness and hospital stays prevented him being able to attend.
- 3.3 Under Section 85 of the Local Government Act 1972, if a member of a local authority fails throughout a period of 6 consecutive months to attend a meeting of the authority, as defined in the Act, they cease to be a member, unless the failure is due to a reason approved by the authority before the expiry of the 6 month period. In this instance the six month deadline is reached on 22 November 2013
- 3.4 The Executive approved Councillor Cullen's reason for non-attendance and it was considered appropriate to ask Council to confirm this.

4. IMPLICATIONS

4.1 Financial Implications

None

4.2 Legal Implications

This decision is in accordance with the Section 85 of the Local Government Act 1972. The Local Government Act 2000 did not indicate that this was a matter reserved for Council, therefore it falls to the Executive, however for the avoidance of doubt and given the nature of the decision, it is appropriate for Council to be asked to confirm this action.

BACKGROUND PAPERS

- Notice of Decisions – Executive 3 September 2013

APPENDICES

None