

Agenda Item No: 13

Report To: Council

Date of Meeting: 22nd December 2022

Report Title: Councillors Clokie and Smith – Request for an Extension of Period of Absence

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Portfolio Holder: N/A

Portfolio Holder for: Cllr Gerry Clarkson – Leader of the Conservative Group
Cllr Noel Ovenden – Leader of the Ashford Independent Group



Summary: To consider a request for an extended period of absence for Councillors Clokie and Smith under the provisions of Sections 85 and 86 of the Local Government Act 1972.

Key Decision: NO

Significantly Affected Wards: Tenterden North and Aylesford and East Stour.

Recommendations: **The Council is asked to consider the request.**

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Councillors Clokie and Smith – Request for an Extension of Period of Absence

Introduction and Background

1. Section 85 of the Local Government Act 1972 provides that, subject to certain exceptions, (which do not apply in this case), if a Member of a Local Authority fails throughout a period of six consecutive months from the date of his/her last attendance to attend any Meeting of the Authority, he/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.
2. In the event of the above occurring, Section 86 of the Act requires the facts to be reported to the next Meeting of the Authority, which shall, subject to other exceptions, (which do not apply in this case), declare the office to be vacant.

Proposal/Current Position

3. Councillors Clokie and Smith, as Members will aware, have been unwell recently and have not been able to attend Council Meetings either physically at the Civic Centre, or on-line. Both the Conservative and Ashford Independent Groups (as those that hold the Tenterden North and Aylesford and East Stour Wards respectively) have put arrangements in place for ward business to be covered. Their last attendances were both at the Full Council Meeting on 21st July 2022. The six month period expires on the 21st January 2023, so at present, it is likely that this may pass without either being able to attend a Meeting.
4. The Act of 1972 allows the Authority to grant an extension of the period of absence, subject to the request being made and consent being given within the six month period. Consent cannot be given retrospectively.
5. Approaches have been made by the Leaders of the Conservative and Ashford Independent Groups, Councillors Clarkson and Ovenden, asking the Council to grant Councillors Clokie and Smith extended leave of absence from Council meetings up to and including the Borough Council Elections in May 2023, at which point the issue can be reviewed.

Conclusion

6. The Council is asked to consider the request.
7. If the Council is minded to grant the request it is suggested that the period of absence be extended to the 4th May 2023

Contact and Email

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