

COUNCIL – 13 DECEMBER 2022

9. COUNCILLOR REQUEST FOR EXTENDED LEAVE OF ABSENCE (CED)

1. Summary

- 1.1 Councillor David Coltman has not been able to attend any Council or Committee meetings since attending the Regulatory Services Committee and Licensing Committee meetings on 29 June 2022.
- 1.2 The Councillor is making a request to Council for approval of extended leave of absence in order that they continue to remain in office and the Councillor is not disqualified by virtue of non-attendance within a six month period.

2. Details

- 2.1 Section 85 of the Local Government Act 1972 (“the Act”) states that if a Member of a local authority fails throughout a period of six consecutive months, from the date of their last attendance to attend any meeting of the authority, they 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 that authority.
- 2.2 Council can only consider approval of any reasons for non-attendance before the end of the relevant six-month period, which will be 29 December 2022. The next scheduled Full Council meeting after the six month period is not until 21 February 2023 so the issue needs to be determined at this meeting.
- 2.3 Councillor Coltman was elected to the District Council in May 2021 for a period of 3 years until May 2024 (the election having been postponed from May 2020 due to the pandemic). The Councillor has not been able to attend a Council/Committee meeting due to health reasons. Officers understand that Councillor Coltman has been able to continue to fulfil Ward duties in Carpenders Park with fellow Ward Councillors Grewal and Maru.
- 2.4 Councillor Coltman has until now always been able to fulfil the Councillor duties. The granting of the extended leave of absence will allow time for the Councillor’s health to improve and to be able to resume Councillor duties.

3. Options/Reasons for Recommendation

- 3.1 Councillor Coltman currently has a seat on the Licensing and Regulatory Services Committees and was appointed at Annual Council in May as a representative on the South Oxhey Board.
- 3.2 Should Councillor Coltman be able to return to Councillor duties there would be nothing preventing them attending meetings before the expiry of any approved extended time period.
- 3.3 Consideration of this issue is being brought to Council at this time in the interest of good governance and transparency. Any approved extended leave of absence would provide Councillor Coltman with the opportunity to improve their health so that they were able to return and resume Council duties.
- 3.4 Once any Councillor loses office, through failure to attend the six months period, the disqualification cannot be overcome by the Councillor subsequently resuming attendance nor can retrospective approval of Council be sought.

3.5 It is proposed that the extended leave of absence be until the end of May 2023 which would allow for any request for a further extension being considered by Annual Council at its meeting on 23 May 2023.

3.6 In the event of that meeting either being cancelled or postponed, such an extension to remain in place until after the next available meeting of the Council.

4. **Policy/Budget Reference and Implications**

4.1 Each Councillor is entitled to receive a basic allowance which is currently for 2022/23 £5,200 a year.

5. **Financial, Equal Opportunities, Staffing, Environmental, Community Safety, Public Health, Customer Services Centre, Communications & Website, Risk Management and Health & Safety Implications**

5.1 None specific.

6. **Financial Implications**

6.1 Councillor David Coltman is entitled to receive Basic Allowance payment in accordance with the Members' Allowance Scheme. The allowance (currently £5,200 a year) is paid on a monthly basis to all District Councillors.

7. **Legal Implications**

7.1 Contained within the body of the report at Point 2.1 and 2.2.

8. **Risk Management and Health & Safety Implications**

8.1 The Council has agreed its risk management strategy which can be found on the website at <http://www.threerivers.gov.uk>. In addition, the risks of the proposals in the report have also been assessed against the Council's duties under Health and Safety legislation relating to employees, visitors and persons affected by our operations. The risk management implications of this report are detailed below.

8.2 The subject of this report is covered by the Legal and Committee service plans. Any risks resulting from this report will be included in the risk register and, if necessary, managed within this/these plan(s).

Nature of Risk	Consequence	Suggested Control Measures	Response <i>(tolerate, treat, terminate, transfer)</i>	Risk Rating <i>(combination of likelihood and impact)</i>
Not approving the extended leave of absence	Will result in the Councillor losing office	To allow extended leave of absence	Treat	4

8.3 The above risks are scored using the matrix below. The Council has determined its aversion to risk and is prepared to tolerate risks where the combination of impact and likelihood scores 6 or less.

Very Likely ----- Likelihood ----- Remote	Low 4	High 8	Very High 12	Very High 16
	Low 3	Medium 6	High 9	Very High 12
	Low 2	Low 4	Medium 6	High 8
	Low 1	Low 2	Low 3	Low 4
Impact Low -----> Unacceptable				

Impact Score

- 4 (Catastrophic)
- 3 (Critical)
- 2 (Significant)
- 1 (Marginal)

Likelihood Score

- 4 (Very Likely (≥80%))
- 3 (Likely (21-79%))
- 2 (Unlikely (6-20%))
- 1 (Remote (≤5%))

8.4 In the officers' opinion none of the new risks above, were they to come about, would seriously prejudice the achievement of the Strategic Plan and are therefore operational risks. The effectiveness of the management of operational risks is reviewed by the Audit Committee annually.

9. **Recommendation**

9.1 That Council approves the request from Councillor David Coltman for an extension beyond the six month period of non-attendance on health grounds.

9.2 That such an extension be granted until the end of May 2023 which would allow for any request for a further extension being considered by Annual Council at its meeting on 23 May 2023.

9.3 In the event of that meeting either being cancelled or postponed, such an extension to remain in place until after the next available meeting of the Council.

Report prepared by: Sarah Haythorpe, Principal Committee Manager

Data Quality

Data sources:

Section 85 of the Local Government Act 1972

Data checked by:

Ciara Feeney, Interim Solicitor to the Council

1	Poor	
2	Sufficient	√
3	High	

Background Papers

Section 85 of the Local Government Act 1972

APPENDICES / ATTACHMENTS

None