



Notice of a meeting of Council

Monday, 18 February 2019

2.30 pm

Council Chamber, Municipal Offices

Membership	
Councillors:	Dilys Barrell, Angie Boyes, Steve Harvey, Chris Coleman, Sandra Holliday, Andrew McKinlay, Bernard Fisher (Chair), Roger Whyborn (Vice-Chair), Victoria Atherstone, Matt Babbage, Paul Baker, Garth Barnes, Nigel Britter, Jonny Brownsteen, Flo Clucas, Mike Collins, Stephen Cooke, Iain Dobie, Wendy Flynn, Tim Harman, Rowena Hay, Alex Hegenbarth, Karl Holey, Martin Horwood, Peter Jeffries, Steve Jordan, Chris Mason, Paul McCloskey, Tony Oliver, Dennis Parsons, John Payne, Louis Savage, Diggory Seacome, Malcolm Stennett, Jo Stafford, Klara Sudbury, Simon Wheeler, Max Wilkinson, Suzanne Williams and David Willingham

Agenda

14.	ANY OTHER ITEM THE MAYOR DETERMINES AS URGENT AND WHICH REQUIRES A DECISION	(Pages 3 - 8)

Contact Officer: Bev Thomas, Democracy Officer, 01242 264246

Email: democratic.services@cheltenham.gov.uk

Pat Pratley
Chief Executive

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Cheltenham Borough Council Council – 18 February 2019 Recommendation to extend six month rule

Accountable member	Councillor Alex Hegenbarth, Cabinet Member Corporate Services
Accountable officer	Chief Executive
Ward(s) affected	Hesters Way Ward
Key/Significant Decision	No
Executive summary	The purpose of this report is to consider an extension of the 6 month rule for Councillor Wendy Flynn due to personal reasons.
Recommendations	That, in accordance with Section 85 of the Local Government Act 1972, Council approves Councillor Wendy Flynn's non-attendance at meetings until 31 May 2019 and the Council's best wishes be conveyed to her.

Financial implications	None identified outside of existing budgets. Contact officer: paul.jones@cheltenham.gov.uk
Legal implications	The report states the reason for the report and the requirements of Section 85 Local Government Act 1972 Article 13 (Decision Making) of the Constitution sets out the responsibility and principles of decision making. Article 13.3 refers to specific types of decisions and 13.3 (d) sets out the grounds for a matter requiring an urgent decision which includes "a decision is required by statute or otherwise within a specified timescale". The report also indicates why this is an urgent item. Contact officer: Gary Spencer@teWKesbury.gov.uk
HR implications (including learning and organisational development)	None arising from this report
Key risks	Councillor Flynn's ward duties may be impacted in the coming period.
Corporate and community plan Implications	None directly applicable to this report.
Environmental and climate change implications	None directly applicable to this report.

Property/Asset Implications	None directly applicable to this report.
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1. Background

- 1.1** Section 85 of the Local Government Act 1972 states that 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 meeting of the Council or as a representative of the Council on an outside body, they shall, unless the failure was due to some reason approved by the Council before the expiry of that period, cease to be a member of the Authority.
- 1.2** The only exception is if their non-attendance has been approved by the Authority before the expiry of that period. Attendance can be at any committee or sub-committee, or at any joint committee, joint board or other body where the functions of the authority are discharged or who were appointed to advise the authority on any matter relating to the discharge of their functions.
- 1.3** Section 85 allows an authority to grant dispensation for such absence providing the dispensation is granted before the 6 month period of absence has expired. The next scheduled meeting of Council is 25 March which is after the expiration of this period.
- 1.4** It is possible that Cllr Flynn may be able to attend the Council meeting on the 18th February in which case the provisions of S85 will not be relevant at this time, but given her personal circumstances, this cannot be guaranteed. If Cllr Flynn cannot attend it will be necessary to consider this matter.

2. Reasons for recommendations

- 2.1** Councillor Wendy Flynn has been unable to attend meetings recently due to personal reasons. The last meeting she attended was the extraordinary Council meeting on 11 September 2018. Councillor Flynn has continued to undertake some casework and attend meetings of the Neighbourhood Forum when she has felt able, however, she has found it impossible to attend Council related meetings.
- 2.2** Under the circumstances it is requested that Council approve an extension of the 6 month rule for Councillor Flynn until 31 May 2019 and the Council's best wishes be conveyed to her.
- 2.3** Should Council approve the extension that decision would not prevent Councillor Flynn from returning to meetings at any time prior to that date if matters improved.

3. Alternative options considered

- 3.1** Not seeking an extension of the 6 month rule. However, this was not considered an appropriate option in the circumstances. My view is that in the circumstances presented here the Council would be acting reasonably in approving the recommendation for a period of time which enables Councillor Flynn to return to her councillor duties.

4. Consultation and feedback

- 4.1** The Mayor has been consulted with in accordance with the Part 4A Rule 2.8 (m) of the Council's Constitution with regard to consideration of this matter under the urgency provision. Group Leaders have been consulted and are supportive of the recommendation.

5. Performance management –monitoring and review

- 5.1** Democratic Services will continue to monitor the attendance at meetings of all Members through the Modern.gov system.

Report author	Contact officer: Pat Pratley, Chief Executive Pat.pratley@cheltenham.gov.uk 01242 264100
Appendices	1. Risk Assessment
Background information	

The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-5	Likelihood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
1	Ward duties may be impacted	Pat Pratley (Leader)	18.2.19	3	3	9	Reduce	Ward councillor support to be provided	Ongoing	Pat Pratley	
Explanatory notes Impact – an assessment of the impact if the risk occurs on a scale of 1-5 (1 being least impact and 5 being major or critical) Likelihood – how likely is it that the risk will occur on a scale of 1-6 (1 being almost impossible, 2 is very low, 3 is low, 4 significant, 5 high and 6 a very high probability) Control - Either: Reduce / Accept / Transfer to 3rd party / Close											

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