

COUNCIL – 23 FEBRUARY 2016

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

1. Summary

1.1 Councillor Terry Dos Ramos has not been able to attend any Council or Committee meetings since he attended the Policy and Resources Committee as an observer on 7 September 2015. On behalf of Councillor Dos-Ramos a formal request is being made to Council for approval of an extended leave of absence in order that he 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 his/her last attendance to attend any meeting of the authority, s/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 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 7 March 2016. The next scheduled Full Council meeting after the six month period is not until 17 May 2016 so the issue needs to be determined at this meeting.

2.3 Councillor Terry Dos Ramos was re-elected to the District Council in May 2014 until May 2016 following the boundary commission review and the reduction in Members from 48 to 39. It is not known at this time whether Councillor Dos Ramos will be re-standing. He has not been able to attend a Council meeting due to a close family member convalescing outside the UK and the Councillor needing to provide support and care to that person until they have recovered. As a result, Cllr Dos Ramos has not been able to fulfil his responsibilities as a Ward Member but his District Council ward duties are being picked up by the other two Ward Councillors for Carpenders Park (Councillors Bishop and Roberts).

2.4 Councillor Ralph Sangster, as the Conservative Group Leader on the Council, has submitted a request for Councillor Dos Ramos to be granted an extended leave of absence beyond the usual six month rule to give the family member time to recover with the support and care provided by Councillor Dos Ramos until he can resume his Councillor duties.

3. Options/Reasons for Recommendation

3.1 Councillor Dos Ramos currently has a seat on the Audit Committee, Licensing Committee and Regulatory Services Committee. No substitutes are allowed on the Licensing and Regulatory Services Committee but he has been substituted on the Audit Committee since September 2015 on a meeting by meeting basis.

3.2 Should Councillor Dos Ramos be able to return from overseas there would be nothing preventing him from resuming his Councillor duties and attend 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 Dos Ramos with the opportunity for his family

member to recover from their illness so that he can return and resume his 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 There are District Elections scheduled for 5 May 2016, the expiry of Councillor Dos Ramos' current term of office. It is proposed that the time limit for non-attendance at Council meetings by Councillor Dos Ramos be extended until the end of his current term of office. Councillors remain elected Members until 3 days after an election for when their term of office expires. This will ensure that Councillor Dos Ramos will have no greater or lesser rights than any other District Councillor.

3.6 On the basis of Councillor Dos Ramos' situation, approval can be given to extending his period of permitted absence until the expiry of his current term of office in May 2016.

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

4.1 There are none.

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 Dos Ramos is entitled to receive Basic Allowance payments in accordance with the Members' Allowance Scheme. This annual allowance is paid on a monthly basis to all District Councillors and would continue until the Councillor ceases to hold office.

7. **Legal Implications**

7.1 Contained within the body of the report.

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 Committee service plan. Any risks resulting from this report will be included in the risk register and, if necessary, managed within this plan.

8.3 The following table gives the risk that would exist if the recommendation is rejected, together with a scored assessment of their impact and likelihood:

	Description of Risk	Impact	Likelihood
1	Not approving the extended leave of absence	II	E

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9. Recommendation

9.1 That approval is given for the Extended Leave of Absence for Councillor Terry Dos Ramos until 9 May 2016.

Report prepared by: Sarah Haythorpe, Principal Committee Manager

Data Quality

Data sources:

Section 85 of the Local Government Act 1972

Policy and Resources Committee – register of attendance book

Data checked by:

Anne Morgan, Solicitor to the Council

1	Poor	
2	Sufficient	√
3	High	

Background Papers

Policy and Resources Committee – register of attendance

Section 85 of the Local Government Act 1972

APPENDICES / ATTACHMENTS

None