

Report to: **COUNCIL**

Date: **19 December 2023**

Title: **Member Appointments**

Portfolio Area: **Leader**

Wards Affected: **All**

Urgent Decision: **N** Approval and clearance obtained: **Y**

Date next steps can be taken: Immediately following this meeting

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**RECOMMENDATION:**

**That Council is RECOMMENDED to:**

- 1. approve, with effect from 31 December 2023, the withdrawal and dissolution of the Heart of the South West (HotSW) Joint Committee;**
- 2. note that the '*Tamar Valley AONB Partnership Committee*' has been re-titled to the: '*Tamar Valley National Landscapes Committee*';**
- 3. waive the six-month attendance rule provided for within Section 85(1) of the Local Government Act 1972 for Councillor Angela Blackman; and**
- 4. approve the extension of the permitted non-attendance time period for Councillor Angela Blackman for up to and including Tuesday, 26 March 2024**

**1. Executive summary**

**Heart of the South West (HotSW) Joint Committee**

- 1.1** Following a clear steer from Council Leaders and Senior Members of several Constituent Local Authorities, a proposal is being

brought forward to this meeting that seeks the consideration of Full Council to the withdrawal and dissolution of the Heart of the South West (HotSW) Joint Committee;

### **Tamar Valley AONB Partnership Committee**

- 1.2 The Council has been advised that, with effect from Wednesday, 22 November 2023, all designated Areas of Outstanding Natural Beauty (AONBs) in England and Wales have become '*National Landscapes*';

### **Six-Month Meeting Attendance Rule**

- 1.3 Section 85 (1) of the Local Government Act 1972 requires a Member of a Local Authority to attend at least one meeting of that Authority within a six-month consecutive period, in order to avoid being disqualified as a Councillor. This requirement can be waived and the time limit extended if any failure to attend was due to a reason approved by the Authority in advance of the six month period expiring;
- 1.4 Cllr Angela Blackman is at risk of failing to comply with this requirement before the next Full Council meeting is held on 20 February 2024.

## **2. Background**

### **Heart of the South West (HotSW) Joint Committee**

- 2.1 Appendix A to this report presents a generic report produced by Somerset Council colleagues that sets out the reasons for the recommendation to dissolve the Heart of the South West Joint Committee;
- 2.2 It is being proposed that the Joint Committee be dissolved on 31 December 2023. Importantly, even if the Council does not support this recommendation, if at least eight of the other Constituent Authorities are in agreement, then it will still be dissolved;
- 2.3 Since the Committee is currently one of our recognised Outside Bodies to which we annually appoint (Cllr Ewings is our 2023/24 representative, with Cllr Renders being her substitute), this Committee will be removed from the list if it is ultimately dissolved.

### **Tamar Valley AONB Partnership Committee**

- 2.4 The Council is asked to note that the '*Tamar Valley AONB Partnership Committee*' has been re-titled to the '*Tamar Valley National Landscapes Committee*'.

## Six-Month Member Attendance Rule

- 2.5 Section 85 (1) 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 their last attendance, to attend any meeting of the Authority they will, unless the failure was due to some good reason approved by the Authority before the expiry of that period, cease to be a member of the Authority.”
- 2.6 The Authority can only consider approval of any reasons for non-attendance before the end of the relevant six month period, which in this instance is 27 December 2023 for Cllr Blackman. This meeting of Full Council is the **last scheduled meeting of Council before this deadline expires**.
- 2.7 Section 85 (1) of the Local Government Act 1972 enables a Local Authority to approve the reason(s) for non-attendance of a Member at any meeting of the Authority throughout a period of six consecutive months, provided that approval is given by the Authority before the expiry of the six-month period.
- 2.8 Once any councillor loses office, through failure to attend for the six month period, the disqualification cannot be overcome by the councillor subsequently resuming attendance nor can retrospective approval of the Authority be sought for an extension in time.
- 2.9 It is recommended that the Council approve the extension of the permitted non-attendance time period for Cllr Blackman for up to and including Tuesday, 26 March 2024.

## 3. Options Available and Consideration of Risk

- 3.1 The Council can agree or refuse to approve the waiver of the six-month rule. The risks and consequences if the Council were to refuse the request are explained between paragraphs 2.5 and 2.9 above.

## 4. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	None
Financial implications to include reference	N	A Councillor that has been granted an extended period of absence will continue to be entitled to

to value for money		receive their Basic Allowance unless otherwise requested.
Risk	N	As set out at Section 3 above.
Supporting Corporate Strategy		Efficient and Effective Council
Climate Change - Carbon / Biodiversity Impact		Not applicable
Comprehensive Impact Assessment Implications		
Equality and Diversity		Not applicable
Safeguarding		Not applicable
Community Safety, Crime and Disorder		Not applicable
Health, Safety and Wellbeing		Not applicable
Other implications		Not applicable

### **Supporting Information**

#### **Appendices:**

A – generic report produced by Somerset Council on the proposed withdrawal and dissolution of the Heart of the South West Joint Committee.

#### **Background Papers:**

None