

Report to: **COUNCIL**

Date: **14 July 2022**

Title: **APPOINTMENTS: LICENSING COMMITTEE  
SUBSTITUTE MEMBERS AND THE SIX-MONTH  
MEMBER MEETING ATTENDANCE RULE**

Portfolio Area: **Council – Cllr Pearce**

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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**RECOMMENDATIONS:**

**That Council is RECOMMENDED to approve:**

- 1. that, subject to being in receipt of the required training, Cllrs V Abbott, K Baldry, J Birch, J Brazil, R Foss, S Jackson, J McKay and B Taylor be appointed as Licensing Committee Substitute Members for the remainder of the 2022/23 Municipal Year;**
- 2. the waiver of the six-month attendance rule provided for within Section 85(1) of the Local Government Act 1972 for Councillor Kate Kemp due to ill health; and**
- 3. the extension of the permitted non-attendance time period for Councillor Kate Kemp for up to and including Thursday, 22 September 2022.**

**1. Executive summary**

**Licensing Committee Membership**

- 1.1. Members will be aware that there have been a number of recent challenges with ensuring that meetings of the Licensing Committee are quorate. In accordance with the Council Constitution, it is a requirement for 7 of the 12 Committee Members to be in attendance to ensure that Committee meetings are quorate;

- 1.2. To build up the resilience of the Licensing Committee, this report seeks Council approval of a pool of Substitute Members for the remainder of the 2022/23 Municipal Year;

### **Six Month 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. Due to illness, Cllr Kate Kemp, local Ward Member for Loddiswell and Aveton Gifford, has not been able to attend any formal Council meetings since 16 February 2022.

## **2. Background**

### **Licensing Committee Membership**

- 2.1 Group Leaders have been consulted over the proposal to appoint a pool of substitutes to serve on the Licensing Committee. In addition to confirming their support for the proposal, the following Member nominations have been received:
  - Cllr V Abbott;
  - Cllr K Baldry;
  - Cllr J Birch;
  - Cllr J Brazil;
  - Cllr R Foss;
  - Cllr S Jackson;
  - Cllr J McKay; and
  - Cllr B Taylor.
- 2.2 In proposing these substitute appointments, the need for the requisite training is recognised. As a result, none of these Members will be able to serve on the Licensing Committee until they have been in receipt of the necessary training.

### **Six Month Attendance Rule**

- 2.3 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.”
- 2.4 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 will be 15 August 2022. This meeting of Full Council is the last scheduled meeting of Council before this deadline expires. 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.

- 2.5 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.
- 2.6 In the event of the Council deciding not to waive the six-month attendance rule in this instance, it is important to note that, as a Member of the Development Management Committee, Cllr Kemp could still attend the scheduled Committee meeting to be held on 27 July 2022 (thereby ensuring compliance with the rule).

### 3. Options available and consideration of risk

#### Licensing Committee Membership

- 3.1 Approval of the recommendation to appoint named Licensing Committee substitutes will minimise the risk of meetings being inquorate and not taking place.

#### Six Month Attendance Rule

- 3.2 It is recommended that Councillor Kemp continues to be an elected Member until the date of the Council Meeting on 22 September 2022. If Cllr Kemp is unable to return to her duties before this date, then the matter will be reviewed again at this Council Meeting.

### 4. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance		If approval is not provided to waive the six-month attendance rule the Councillor will cease to be a Member of the Authority once this period has expired (15 August 2022).
Financial implications to include reference to value for money		Councillors that have been granted an extended period of absence will continue to receive their allowance unless otherwise requested.
Risk		Section 3 above refers.
Supporting Corporate Strategy		N/A
Climate Change - Carbon / Biodiversity Impact		None

Comprehensive Impact Assessment Implications		
Equality and Diversity		None
Safeguarding		None.
Community Safety, Crime and Disorder		None
Health, Safety and Wellbeing		None
Other implications		None

### **Supporting Information**

**Appendices:**

None

**Background Papers:**

Local Government Act 1972