

REPORT OF THE
Conduct Advisory Panel
PART I

1. CONSTITUTIONAL MATTER – DELEGATION OF APPROVAL OF ABSENCE OF AN ELECTED MEMBER OF THE COUNCIL

- 1.1. Approval of absence of an Elected Member pursuant to the legislative framework set out at Section 85 of the Local Government Act 1972 ('the 1972 Act') is currently exercised by the full Council. Whilst requests for absence in practice are extremely rare, approval needs to be done within strict time limits as set out in the 1972 Act, being six consecutive months from the date of a Members last attendance. Bearing in mind the timescale between full Council meetings, and also the fact from time to time Council meetings may be cancelled / rescheduled for good business reasons, an unintended consequence might be that a Member absent through extended illness or some other good reason may through no fault of his own run into difficulty in consequence of these time limits.
- 1.2. On 19 July 2018 the Conduct Advisory Panel considered a report outlining the background to the legislation set out at Section 85 of the 1972 Act. A copy of the report considered by the Conduct Advisory Panel is contained at Annex 1 to this report.
- 1.3. The Conduct Advisory Panel resolved to recommend to full Council that responsibility for approval of absence of an elected Member of the County Council pursuant to Section 85 of the 1972 Act be delegated to the Conduct Advisory Panel. Delegation of the function to the Conduct Advisory Panel does not prevent the full Council from exercising the function itself. However in delegating the function to the Conduct Advisory Panel this means that in exceptional cases the Conduct Advisory Panel would be able to approve an absence, where there might otherwise be a difficulty in bringing the matter before full Council within the required six month period.

RECOMMENDATION

- a) That the County Council agrees that the responsibility for approval of absence of an elected Member of the Council pursuant to Section 85 of the Local Government Act 1972 be delegated to the Conduct Advisory Panel.
- b) That delegated authority be given to the Monitoring Officer to amend the Constitution to give effect to the recommendation at a) above.