
NORTH AYRSHIRE COUNCIL

1 November 2023

North Ayrshire Council

Title: Elected Member Attendance

Purpose: To advise of the circumstances surrounding the non-attendance of an Elected Member and the relevant provisions within Standing Orders Relating to Meetings and Proceedings of the Council and its Committees.

Recommendation: That the Council agrees (a) to note (i) the exceptional circumstances surrounding Councillor John Glover's non-attendance at a meeting of the Council, Committee, Joint Committee, Joint Board or other body as representative of the Council since missing the Hunterston Site Stakeholders Group meeting on 1 June 2023 and (ii) the likelihood that Councillor Glover's absence may extend beyond the six-month period; and (b) that (i) in terms of Standing Orders and section 35 of the Local Government (Scotland) Act 1973, Councillor Glover's failure to attend is due to a reason approved by the Council, such approval for non-attendance being granted until the scheduled meeting of Council on 15th May 2024 and (ii) if required, a further update be submitted to the May 2024 meeting of the Council.

1. Executive Summary

- 1.1 In terms of the section 35 of the Local Government (Scotland) Act 1973, as incorporated into the Council's Standing Orders Relating to Meetings and Proceedings of the Council and Committees, an Elected Member who fails to attend any meetings of the Council, its committees, Joint Committees, Joint Boards or other body as a representative of the Council, throughout a period of six consecutive months ceases being a Member of North Ayrshire Council, unless their non-attendance is due to a reason approved by the Council.

- 1.2 In the case of Councillor John Glover, the Leader of the Main Opposition has advised that serious illness has prevented Councillor Glover attending meetings since the last Council meeting on 17 May 2023. The failure to attend started from the date of the first meeting which Councillor Glover missed, which was 1 June 2023. The period of time likely to be needed for his recovery is such that Councillor Glover's absence risks exceeding the period of six consecutive months provided for in Standing Orders. In the circumstances, the Council is asked to apply appropriate discretion to allow Councillor Glover to remain as an Elected Member.

2. Background

- 2.1 Section 35 of the Local Government (Scotland) Act 1973 states that "...if a member of a local authority fails throughout a period of six months to attend any meeting of the authority, he shall, unless the failure was due to some reason approved by the authority, cease to be a member of the authority....Attendance as a member at a meeting of any committee or sub-committee of the authority, or at a meeting of any joint committee, joint board or other body to whom for the time being any of the functions of the authority are being discharged, and attendance as representative of the authority at a meeting of any body of persons, shall be deemed to be attendance at a meeting of the authority."
- 2.2 In turn, this is incorporated into Standing Order 8.6, which states that:
- "Subject to the provisions of Section 35 of the 1973 Act, if a Member fails throughout a period of six consecutive months to attend any meeting of the Council, Committee, Joint Committee or Joint Board to which any function of the Council has been delegated, or to attend as a representative of the authority at a meeting of any body or person, they shall, unless the failure to attend was due to some reason approved by Council cease to be a Member of North Ayrshire Council."
- 2.3 Case law provides that the period of six consecutive months begins on the date of the first meeting which the member fails to attend. The end of the period of failure to attend must be identified by the date of the last meeting which the member failed to attend. Accordingly, the period of non-attendance may not be exactly six months, depending on the dates of the relevant meetings.
- 2.4 Ward 6 (Kilwinning) Elected Member, Councillor John Glover, serves on Council and the Police and Fire and Rescue Committee. He is also a Council representative on the Ayrshire Valuation Joint Board and the Hunterston Site Stakeholders Group and serves on the Kilwinning Locality Partnership.
- 2.5 Recent ill health has meant that Councillor John Glover, missed a meeting of the Hunterston Site Stakeholders Group on 1 June 2023 and has not been able to attend a meeting of the Council, the committees or outside bodies on which he serves since then. If he were unable to attend the meeting of Hunterston Site Stakeholders Group on 7 December 2023 (or any other meeting prior to that date) then he would at that point cease to be a Member of North Ayrshire Council. The Council does, however, have the power to approve the reason for non-attendance, which would permit Councillor Glover to remain as an Elected Member beyond that date.

3. Proposals

3.1 The Council is invited to agree:

- (a) to note (i) the exceptional circumstances surrounding Councillor John Glover's non-attendance at a meeting of the Council, Committee, Joint Committee, Joint Board or other body as representative of the Council since the Council meeting on 17 May 2023 and (ii) the likelihood that Councillor Glover's absence may extend beyond the six-month period; and
- (b) that (i) in terms of Standing Orders and section 35 of the Local Government (Scotland) Act 1973, Councillor Glover's failure to attend is due to a reason approved by the Council, such approval for non-attendance being granted until the scheduled meeting of Council on 15th May 2024 and (ii) if required, a further update be submitted to the May 2024 meeting of the Council.

4. Implications/Socio-economic Duty

Financial

4.1 There are no financial implications arising from this report.

Human Resources

4.2 There are no human resource implications arising from this report.

Legal

4.3 Failure by the Council to approve the reason for absence, would result in Councillor Glover ceasing to be a Councillor on 7 December 2023, as provided for in Section 35 of the Local Government (Scotland) Act 1973.

Equality/Socio-economic

4.4 There are no equality/socio-economic implications arising from this report.

Climate Change and Carbon

4.5 There are no climate change and carbon implications arising from this report.

Key Priorities

4.6 Not applicable

Community Wealth Building

4.7 Not applicable.

5. Consultation

- 5.1 Councillor Marshall, as Leader of the Conservative and Unionist Group, has updated the Chief Executive on Councillor Glover's illness.

Craig Hatton
Chief Executive

For further information please contact **Aileen Craig, Head of Democratic Services** on 01294 324125 or by email, acraig@north-ayrshire.gov.uk

Background Papers

N/A