

Section 85 Local Government Act 1972 – Resolution to Extend Six Month Rule

COUNCIL 18 July 2018	CLASSIFICATION: Open If exempt, the reason will be listed in the main body of this report.
WARD(S) AFFECTED Hackney Downs	
GROUP DIRECTOR Tim Shields, Chief Executive	

1. SUMMARY

- 1.1 The purpose of this report is to enable the Council to consider an extension of the 6 month rule for Councillor Rickard on the grounds of her maternity leave.

2. RECOMMENDATIONS

- 2.1 **That the Council in accordance with Section 85 of the Local Government Act 1972, approves Councillor Rickard's non-attendance at meetings until the next Council AGM on 22 of May 2019 to accommodate her maternity leave.**

3 BACKGROUND

Section 85 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 shall cease to be a member of the authority. The only exception is if their non-attendance has been approved by the authority before the expiry of that period. Attendance can be at any committee or sub-committee, or at any joint committee, joint board or other body where the functions of the authority are discharged. Section 85 of the Act allows an authority to grant dispensation for such absence providing the dispensation is granted before the 6 month period of absence has expired.

- 3.2 Councillor Anna-Joy Rickard's last council meeting before she went on maternity leave was the AGM on 23 May 2018. Under the circumstances it is requested that Council approve an extension of the 6 month rule for Councillor Rickard until the next AGM scheduled for 22 May 2019. This would not prevent Councillor Rickard from returning to meetings at any time should she decide to take less than a year's maternity leave.

4. IMPACT

- 4.1 Both Councillor Rickard's Ward duties will continue to be undertaken by her Ward colleagues Hackney Downs.

5. COMMENTS OF THE GROUP DIRECTOR, FINANCE AND CORPORATE RESOURCES

- 5.1 There are no direct financial implications emanating from this report.

6. COMMENTS OF THE DIRECTOR OF LEGAL AND GOVERNANCE

- 6.1 Section 85 of the Local Government Act 1972 ('LGA') 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 shall cease to be a member of the authority.
- 6.2 The only exception is if their non-attendance has been approved by the authority before the expiry of that period. Attendance can be at any committee or sub-committee, or at any joint committee, joint board or other body where the functions of the authority are discharged. Section 85 of the Act allows an authority to grant dispensation for such absence providing the dispensation is granted before the 6 month period of absence has expired.
- 6.3 This report is to enable the Council to consider an extension of the 6 month rule for Councillor Rickard on the grounds of her maternity leave. It is recommended, in light of this, the extension is granted.

APPENDICES

None

BACKGROUND PAPERS

None

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