

**SECTION 85 LOCAL GOVERNMENT ACT 1972 – RESOLUTION TO EXTEND SIX MONTH RULE****COUNCIL****22 July 2020****CLASSIFICATION:****OPEN****WARD(S) AFFECTED****Victoria****GROUP DIRECTOR****Tim Shields, Chief Executive**

## **1. SUMMARY**

- 1.1 The purpose of this report is to enable the Council to consider a dispensation of the 6 month rule for Councillor Joseph 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 Joseph's non-attendance at meetings until the Council AGM in May 2021 to accommodate her maternity leave.**

## **3 BACKGROUND**

- 3.1 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 Clare Joseph's last council meeting before she went on maternity leave, was on the 20<sup>th</sup> May. Under the circumstances it is requested that Council approve a dispensation of the 6 month rule for Councillor Joseph until the next AGM scheduled for 22 May 2021. This would not prevent Councillor Joseph from returning to meetings at any time before this date should she decide to take less than a year's maternity leave.

## **4. IMPACT**

- 4.1 Councillor Joseph's Ward duties will be undertaken by her Ward colleagues for Victoria Ward.

## **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**

- 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.

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- 6.3 This report is to enable the Council to consider a dispensation of the 6 month rule for Councillor Joseph 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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