

SECTION 85 LOCAL GOVERNMENT ACT 1972 – RESOLUTION TO EXTEND SIX MONTH RULE

COUNCIL 21 October 2020	CLASSIFICATION: OPEN
WARD(S) AFFECTED Woodberry Down Hackney Downs	
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 Rickard's non-attendance at meetings until the Council AGM in May 2021 to accommodate her maternity leave.**
- 2.2 **That the Council in accordance with Section 85 of the Local Government Act 1972, approves Councillor Sellman'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 Selman's and Councillor Rickard's last council meeting before they went on maternity leave, was on the 22 July 2020. Under the circumstances it is requested that Council approve a dispensation of the 6 month rule for both councillors until the next AGM scheduled for 22 May 2021. This would not prevent either Councillor from returning to meetings at any time before this date should they decide to take less than a year's maternity leave.

4. IMPACT

- 4.1 The councillors' ward duties will be undertaken by their ward colleagues. The Mayor has confirmed the following arrangements in order to cover Councillor Selman's Cabinet portfolio:

Councillor Susan Fajana-Thomas will be appointed Cabinet member for Community Safety, to cover the community safety, enforcement, and regulation elements of the portfolio.

Councillor Kennedy will be responsible for the strategic relationship with the Voluntary and Community Sector (VCS), including VCS grants and property; he will be supported by Councillor Maxwell in relation to lunch clubs, Connect Hackney and the new Marie Lloyd Centre.

Councillor Williams will be responsible for policy, strategy and devolution (working with the Mayor), along with refugees and vulnerable migrants.

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.

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 a dispensation of the 6 month rule for both Councillors on the grounds of their maternity leave. It is recommended, in light of this, the extension is granted.

APPENDICES

None

BACKGROUND PAPERS

None

Report Author:	Andrew Spragg andrew.spragg@hackney.gov.uk 020 8356 5036
Legal Financial Comments on behalf of Group Director Finance and Corporate Resources	James Newman James.newman@hackney.gov.uk 020 8356 5154
Comments of the Director of Legal and Governance	Dawn Carter-McDonald Dawn.carter-mcdonald@hackney.gov.uk 0208 356 4817