

SECTION 85 LOCAL GOVERNMENT ACT 1972 – RESOLUTION TO EXTEND SIX MONTH RULE AND CHANGES TO CABINET MEMBERSHIP/PORTFOLIOS

CABINET

19 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 Cabinet to note a dispensation of the 6 month rule for Councillor Rickard, and Councillor Selman on the grounds of their respective maternity leave.

2. RECOMMENDATIONS

- 2.1 **That the Cabinet note in accordance with Section 85 of the Local Government Act 1972, notes Councillor Rickard's non-attendance at meetings until the Council AGM in May 2021 to accommodate her maternity leave.**
- 2.2 **That the Cabinet in accordance with Section 85 of the Local Government Act 1972, notes Councillor Sellman's non-attendance at meetings until the Council AGM in May 2021 to accommodate her maternity leave, and the appointment of Councillor Susan Fajana-Thomas to Cabinet to cover the maternity cover, and other changes to other Cabinet member portfolios as detailed in paragraph 4 below..**

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 Sellman'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 & 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 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	James Newman James.newman@hackney.gov.uk 020 8356 5154

Comments on behalf of Director of Legal and Governance	Dawn Carter-McDonald Dawn.carter-mcdonald@hackney.gov.uk 0208 356 4817