

Title of Report	Resolution To Extend Six Month Rule - Section 85 Local Government Act 1972
For Consideration By	Council
Meeting Date	27 September 2023
Classification	Open
Ward(s) Affected	N/A
Group Director	Dawn Carter-McDonald, Interim Chief Executive

1. **Summary**

- 1.1 The purpose of this report is to enable Full Council to consider a dispensation of the 6 month rule for Councillor Ifraax Samatar on the grounds of ill health.

2. **Recommendations**

- 2.1 **To approve a dispensation for Councillor Samatar from the statutory requirement to attend a meeting of the Council until the Annual Council meeting in May 2024 for reason of ill-health.**

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.
- 3.2 In accordance with the Council's Constitution, [Part 7B](#) Rule 26 *Vacation of office by failure to attend meetings* allows for Full Council to consider and approve the absence before the end of the six months.
- 3.3 Councillor Samatar last attended a council meeting on 5 July 2023 before commencing a period of ill health in September 2023. Under the circumstances it is recommended that Full Council approve a dispensation of the 6 month rule for Councillor Samatar until the next Annual Meeting in May 2024. This would not prevent Councillor

Samatar from returning to meetings or Council business at any time before this date should she be well enough to do so.

4. Impact

4.1 Councillor Samatar's committee and ward duties will be considered by the Labour Chief Whip and her ward colleague, Councillor Lufkin.

4.2 The committees that will be impacted are:

Committee	Scrutiny	Outside Body
Corporate Committee Planning SubCommittee	Children and Young People Health in Hackney	SACRE

5. Comments of the Interim Group Director of Finance

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

6. Comments of the Acting Director of Legal, Democratic and Electoral Services

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. 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 As such Full Council has the discretion to approve the dispensation, based on the circumstances of the case, such that Councillor Samatar may not cease to be a member of the Council for failing to attend a meeting in that period. The Monitoring Officer has received formal notification via the Labour Group Chief Whip seeking Full Council's approval to grant such a dispensation due to ill health. The Monitoring Officer is satisfied, that having regard to the circumstances, the Council would be justified in granting the dispensation

Appendices

None

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