

EAST STAFFORDSHIRE BOROUGH COUNCIL

REPORT COVER SHEET

Title of Report:	Waiver of Section 85 (1) Local Government Act 1972 (6 Month Councillor Attendance Rule)
Meeting of:	Council
Date:	13 th May 2016
Is this an Executive Decision:	NO
Is this a Key Decision:	NO
Is the report Confidential:	NO
If so, please state relevant paragraph from Schedule 12A LGA 1972:	n/a
Essential Signatories: ALL REPORTS MUST BE IN THE NAME OF A HEAD OF SERVICE Monitoring Officer: Angela Wakefield Date Signature	
Chief Finance Officer: Sal Khan Date Signature	

EAST STAFFORDSHIRE BOROUGH COUNCIL

Report to Council

Date: 13th May 2016

TITLE:	Waiver of Section 85 (1) Local Government Act 1972 (6 Month Councillor Attendance Rule)	
PORTFOLIO:	Leader of the Council	
HEAD OF SERVICE:	Monitoring Officer	
CONTACT OFFICER:	Angela Wakefield	ext. No. x1267
WARD(S) AFFECTED:	None	

1. Purpose of the Report

- 1.1 For the Council to approve the waiver of the six month Councillor attendance rule in the case of Cllr Rebecca Carlton.

2. Executive Summary

- 2.1 Section 85 (1) of the Local Government Act 1972 requires a member of a Local Authority to attend at least one meeting of that Authority within a six month consecutive period, in order to avoid being disqualified as a Councillor. The requirement can be waived and the time limit extended if any failure to attend was due to a reason approved by the Authority in advance of the end of the six month period.
- 2.2 Unfortunately, because of a serious medical condition and extended period of recuperation, during all of which time medical advice has been that she is not fit to work, Cllr Carlton has not been able to attend any Council or Committee meetings since the meeting of the Scrutiny (East Staffordshire Health) Committee on 10th December 2015. Cllr Carlton has therefore made a formal request for the approval of an extension to the six month rule in her case.

3. Background

- 3.1 Section 85 (1) 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 will, unless their failure was due to some good reason approved by the Authority before the expiry of that period, cease to be a member of the Authority”. Attendance can be at any committee or sub-committee, or any joint committee, joint board or other body where the functions of the Authority are discharged or who were appointed to advise the Authority on any matter relating to the discharge of their functions.
- 3.2 Cllr Carlton has not been able to attend any Council or Committee meetings since the meeting of the Scrutiny (East Staffordshire Health) Committee on 10th December 2015. This has been because of a serious medical condition and extended period of recuperation during all of which time medical advice has been that she is not fit to work. Cllr Carlton’s recovery is continuing well and at the time of writing she has indicated that she hopes soon to be certified fit to return to work on a phased basis. Cllr Carlton also hopes that she will be well enough to attend the meeting of Full Council on 13th May 2016 - in which case Council will not have to consider this report since the meeting falls less than six months from 10th December 2015. Unfortunately, Cllr Carlton cannot guarantee that she will be able to attend and since Council can only consider giving approval for non-attendance prior to the end of the six month period (that is, prior to 10th June 2016), Cllr Carlton has made a formal request to the Monitoring Officer for Council to approve the waiver of the six month rule in her case.
- 3.3 This is the final Council meeting at which approval could be sought for an extension of the time limit. If approval to any extension is not therefore agreed at this meeting, under section 85(10) of the Local Government Act 1972 Cllr Carlton would be disqualified from office as a councillor after 10th June 2016.
- 3.4 Cllr Carlton was elected to the Council in May 2011 and represents Stretton ward. In addition to Full Council she also serves as a member of the Scrutiny (East Staffordshire Health) Committee.

4. Contribution to Corporate Priorities

- 4.1 This report does not directly contribute to Corporate Priorities.

5. Financial Considerations

*This section has been approved by the following member of Financial Management Unit:
Lisa Turner.*

- 5.1 There are no financial issues arising from this Report.

6. Risk Assessment and Management

- 6.1 The main risks to this Report and the Council achieving its objectives are as follows.
- 6.2 Positive (Opportunities/Benefits): N/A
- 6.3 Negative (Threats): N/A

7. Legal Considerations

This section has been approved by the following member of the Legal Team: Angela Wakefield.

7.1 There are no legal issues arising from this Report.

8. Equality and Health

8.1 **Equality impacts:** The subject of this Report is not a policy, strategy, function or service that is new or being revised. An equality and health impact assessment is not required.

8.2 **Health impacts:** There outcome of the health screening question does not require a full Health Impact Assessment to be completed.

9. Human Rights

9.1 There are no Human Rights issues arising from this Report.

10. Sustainability (including climate change & change adaptation measures)

10.1 Does the proposal result in an overall positive effect in terms of sustainability (including climate change and change adaptation measures) N/A

11. Recommendation(s)

11.1 That Council considers the request to extend Cllr Carlton's period of office beyond the six month period of non-attendance provided for within Section 85(1) of the Local Government Act 1972 on the grounds of her ill-health and ongoing recovery.

11.2 If minded to approve the request the extension of time be for a further 6 month period, to expire on 10th December 2016.

12. Background papers

12.1 Cllr Carlton's request for approval of an extension to the six month rule

12.2 Medical certificates from Cllr Carlton's GP.

13. Appendices

None