

Item No. 6.3	Classification: Open	Date: 24 November 2021	Meeting Name: Council Assembly
Report title:		Waiver of six month councillor attendance rule – Section 85 of Local Government Act 1972	
Ward(s) or groups affected:		All	
From:		Monitoring Officer	

RECOMMENDATION

1. That in accordance with Section 85 of the Local Government Act 1972, council assembly approves Councillor Anood Al-Samerai's non-attendance at meetings until 1 April 2022 on the grounds of parental responsibility (maternity leave).
2. That in accordance with Section 85 of the Local Government Act 1972, council assembly approves Councillor Lauder's non-attendance at meetings until the end of the 2021/22 municipal year (5 May 2022) on the grounds of continued ill health.

BACKGROUND INFORMATION

3. 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 his last attendance to attend any meeting of the authority, he shall, unless the failure was due to some reason approved by the authority before the expiry of that period, cease to be a member of the authority.' Any exemption must be considered before the expiry of the six consecutive months' absence.
4. Qualifying meetings include council assembly, any committee or sub-committee of the authority, or at a meeting of any joint committee, joint board or other body by whom for the time being any of the functions of the authority are being discharged, or who were appointed to advise the authority on any matter relating to the discharge of their functions.
5. The extension would not prevent Councillor Al-Samerai and Councillor Lauder (if her health allows) from returning to meetings at any time, but would give flexibility and prevent further recourse to the Council before the end of the extension periods.

KEY ISSUES FOR CONSIDERATION

Councillor Al-Samerai

6. Councillor Al-Samerai last attended a meeting on 14 July 2021 when she was present at a council assembly meeting. She has been on maternity leave since 1 October 2021 and wishes to remain on maternity leave for

a further period up to 1 April 2022. The purpose of this report is to propose that council assembly approve her continuing absence for a period which exceeds 6 months and until able to resume normal duties.

7. Council assembly can only consider approval of any reasons for non-attendance before the end of the relevant six month period, which will be 13 January 2022. Councillor Al-Samerai has confirmed that she will not be able to attend this council assembly meeting scheduled for Wednesday 24 November 2021 and so a report has been submitted to approve an extension of the usual six month rule.
8. Councillor Al-Samerai does not hold a position which attracts a special responsibility allowance.

Councillor Lauder

9. Councillor Lauder last attended a meeting on 22 July 2021 when she was present as a reserve at a licensing sub-committee meeting.
10. Councillor Lauder has been unable to attend meetings recently due to ill health and the purpose of this report is to propose that council assembly approve her continuing absence for a period which exceeds 6 months.
11. Council assembly can only consider approval of any reasons for non-attendance before the end of the relevant six month period, which will be 21 January 2022. Councillor Lauder has confirmed that it is very unlikely that she will be able to attend this council assembly meeting scheduled for Wednesday 24 November 2021 and so a report has been submitted to approve an extension of the usual six month rule.
12. Councillor Lauder does not hold a position which attracts a special responsibility allowance.

Policy framework implications

13. None in the context of this report.

Community, equalities (including socio-economic) and health impacts

Community impact statement

14. This report has no immediate impact on the community. Councillor Al-Samerai's ward and constituency casework is and would continue to be co-ordinated by her ward colleagues.

Equalities (including socio-economic) impact statement

15. Supporting members in being able to take extended absence due to maternity leave or ill health will have a positive impact on the general equality duty with regards to the protected characteristics under the Act.

Health impact statement

16. None in the context of this report.

Climate change implications

17. None in the context of this report.

Resource Implications

18. None in the context of this report.

Consultation

19. None in the context of this report.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Governance

20. The legal requirements are detailed in the report.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Section 85 (1) Local Government Act 1972	Constitutional Team, 160 Tooley Street, London SE1 2QH	Constitutional Team Email: constitutional.team@southwark.gov.uk

AUDIT TRAIL

Lead Officer	Chidilim Agada, Head of Constitutional Services	
Report Author	Chidilim Agada, Head of Constitutional Services	
Version	Final	
Dated	11 November 2021	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Director of Law and Governance	Yes	Incorporated in report
Strategic Director of Finance and Governance	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team	11 November 2021	