

<b>Item No.</b> 6.3	<b>Classification:</b> Open	<b>Date:</b> 12 July 2023	<b>Meeting Name:</b> Council Assembly
<b>Report title:</b>		Waiver of six month councillor attendance rule – Section 85 of Local Government Act 1972	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Assistant Chief Executive - Governance and Assurance and Monitoring Officer	

## RECOMMENDATION

1. That in accordance with Section 85 of the Local Government Act 1972, council assembly approves Councillor Esme Hicks' non-attendance at meetings until 2 January 2024 on the grounds of parental responsibility (maternity leave).

## BACKGROUND INFORMATION

2. 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.
3. 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.
4. The extension would not prevent Councillor Hicks from returning to meetings at any time, but would give flexibility and prevent further recourse to the council before the end of the extension period.

## KEY ISSUES FOR CONSIDERATION

5. Councillor Hicks last attended a meeting of the overview and scrutiny committee meeting on 24 April 2023 (as a substitute). She will start maternity leave from 1 July 2023 and wishes to remain on maternity leave up to 2 January 2024. 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.
6. Council assembly can only consider approval of any reasons for non-attendance before the end of the relevant six month period, which will be 23 October 2023. Councillor Hicks is on maternity leave and will not able

to attend this council assembly meeting scheduled for Wednesday 12 July 2023 and so a report has been submitted to approve an extension of the usual six moth rule.

7. Councillor Hicks' ward and constituency casework would continue to be co-ordinated by her ward colleague.
8. Councillor Hicks does not hold a post with a special responsibility allowance.

### **Policy framework implications**

9. None in the context of this report.

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

#### **Community impact statement**

10. This report has no immediate impact on the community. Councillor Hicks' ward and constituency casework would continue to be co-ordinated by her ward colleagues.

#### **Equalities (including socio-economic) impact statement**

11. 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**

12. None in the context of this report.

### **Climate change implications**

13. None in the context of this report.

### **Resource Implications**

14. None in the context of this report.

### **Consultation**

15. None in the context of this report.

### **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

#### **Assistant Chief Executive - Governance and Assurance**

16. 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: <a href="mailto:constitutional.team@southwark.gov.uk">constitutional.team@southwark.gov.uk</a>

## AUDIT TRAIL

Lead Officer	Chidilim Agada, Head of Constitutional and Member Services		
Report Author	Chidilim Agada, Head of Constitutional and Member Services		
Version	Final		
Dated	26 June 2023		
Key Decision?	No		
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER			
Officer Title		Comments Sought	Comments included
Assistant Chief Executive - Governance and Assurance		Yes	Incorporated in report
Strategic Director of Finance		No	No
Cabinet Member		No	No
Date final report sent to Constitutional Team			29 June 2023