

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:	18 th May 2018
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: 18th May 2018

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 Alison Legg.

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 At its meeting on 4th December 2017 Council approved Cllr Legg's formal request to waive the six month rule and extend the time limit to 19th June 2018, because of her ongoing serious medical condition.
- 2.3 Unfortunately, because of her continued serious medical condition and extended period of recuperation, during all of which time medical advice has been that she is not fit to work, it is not certain that Cllr Legg will be able to attend any Council or Committee

meetings before 19th June 2018. Cllr Legg 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 Legg has not been able to attend any Council or Committee meetings since the meeting of the Scrutiny (Economic Growth Communities & Health) Committee on 19th June 2017. This has been because of a serious medical condition and extended period of treatment during all of which time medical advice has been that she is not fit to work. Cllr Legg is responding well to ongoing treatment but at the time of writing it is not certain when she will be fit to resume work as a Borough Councillor. The extended six month period referred to at paragraph 3.1 above will expire on 19th June 2018. Cllr Legg hopes that she will be well enough to attend the Annual Council Meeting on 18th May 2018 - in which case Council will not have to consider this report. Cllr Legg is unable to guarantee that she will be able to attend and since Council can only consider giving approval for non-attendance prior to 19th June 2018 (and the next meeting of Full Council will be on 25th June 2018) Cllr Legg has made a formal request to the Monitoring Officer for Council to approve a continued waiver of the six month rule and a further extension of time 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(1) of the Local Government Act 1972 Cllr Legg would be disqualified from office as a councillor after 19th June 2018.
- 3.4 Cllr Legg was elected to the Council in May 2007 and represents Stapenhill ward. In addition to Full Council she also serves as a member of the Planning 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:** The 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 Legg'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 19th December 2018.

12. Background papers

12.1 Cllr Legg's email correspondence including progress reports and request for approval of an extension to the six month rule

12.2 Medical certificates and letters from Cllr Legg's doctors.

13. Appendices

None