

East Herts Council Report

Council

- Date of meeting:** Wednesday 14 December 2022
- Report by:** Councillor Linda Haysey, Leader of the Council
- Report title:** Member Non-Attendance Waiver and Extension to Six-Month Time Limit
- Ward(s) affected:** Puckeridge

Summary

The report seeks Council's agreement regarding a waiver of the six-month attendance rules for Councillor Tony Hall due to long-term sickness under section 85 of the Local Government act 1972, where a Member would otherwise become disqualified for reasons of non-attendance at qualifying meetings.

RECOMMENDATIONS FOR COUNCIL:

- (a) That Councillor Tony Hall be granted a waiver of the six-month attendance rule, in accordance with Section 85(1) of the Local Government Act 1972, and an extension of the time limit to the next scheduled Council meeting on 1 March 2023.**

1.0 Proposal(s)

- 1.1 That Council approve a dispensation for absence from meetings of the Council for Councillor Hall until 1 March 2023.

2.0 Background

- 2.1 Section 85(1) of the Local Government Act 1972 provides that if a Member of a local authority fails throughout a period of six consecutive months from the date of his or her last attendance to attend any meeting of the authority, he or she 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 that authority.
- 2.2 It is considered good practice for the local authority to consider the circumstances of a Member's absence from attendance at meetings when the six-month period is approaching.
- 2.3 Democratic Services monitors Members' attendance at meetings and contacts the relevant Group Leader if a Member in their group is nearing a period of non-attendance of more than four months to remind them of their obligation under the Act.
- 2.4 The Democratic Services Manager contacted the Leader of the Council on 18 November 2022 to notify her that Councillor Hall last attended a meeting on 29 June 2022. Councillor Hall has advised that he has been suffering with a long-term health issue. The period of six months since his last attendance is due to expire on 29

December 2022.

- 2.5 Council is asked to extend the time-limit to the next scheduled Council meeting on 1 March 2023 to allow Councillor Hall additional time to recover and be well enough to begin attending meetings again. If he is still unable to attend meetings by 1 March 2023, the decision will be reviewed at that meeting.

3.0 Reason(s)

- 3.1 To avoid the vacation of office of Councillor Hall, in view of circumstances around his health

4.0 Options

- 4.1 Not to provide dispensation from attendance. This option is not recommended because the Member concerned confirmed that he would have attended meetings had he been well enough to do so.

5.0 Risks

- 5.1 None

6.0 Implications/Consultations

- 6.1 The Leader and Member subject of the report were consulted.

Community Safety

No

Data Protection

No

Equalities

The request and recommendation as set out within this report are compliant with the provisions of the Equality Act 2010.

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

Environmental Sustainability

No

Financial

No

Health and Safety

No

Human Resources

No

Human Rights

No

Legal

Yes, as indicated above. Section 85(1) of the Local Government Act 1972 allows an authority to grant Members dispensation for absences providing the dispensation is granted before the 6 month period of absence has expired.

Specific Wards

Yes, the Ward of the Councillor referred to above.

7.0 Background papers, appendices and other relevant material

7.1 No background papers.

Contact Member

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