

Committee Name and Date of Committee Meeting

Council – 27 February 2019

Report Title

Attendance Dispensation under Section 85 of the Local Government Act 1972

Is this a Key Decision and has it been included on the Forward Plan?

No

Strategic Director Approving Submission of the Report

Shokat Lal, Assistant Chief Executive

Report Author(s)

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Ward(s) Affected

Borough-Wide

Report Summary

To consider a waiver of the six month rule under the Local Government Act 1972 and to excuse the non-attendance of Councillor Lindsay Pitchley at Council meetings until the end of the calendar year, having regard to the circumstances of her absence from meetings

Recommendations

1. That, having regard to the circumstances of the absence of Councillor Lindsay Pitchley from Council meetings, the requirements of Section 85 of the Local Government Act 1972 be waived until the end of the calendar year for Councillor Pitchley from the date of this meeting.
2. That the Council expresses its best wishes to Councillor Pitchley for a speedy recovery.

List of Appendices Included

None

Background Papers

None

Consideration by any other Council Committee, Scrutiny or Advisory Panel

No

Council Approval Required

Yes

Exempt from the Press and Public

No

Attendance Dispensation under Section 85 of the Local Government Act 1972

1. Background

- 1.1 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 the 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. This 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 six month period expiring.
- 1.2 Councillor Lindsay Pitchley represents the Holderness ward and in addition to Council is a serving member of the Improving Lives Select Commission, Standards and Ethics Committee and Transportation Advisory Board. Due to illness and on-going recovery, Councillor Pitchley has been prevented from undertaking normal duties. Councillor Pitchley has not been able to attend any Council or committee meetings since the Improving Lives Select Commission on 6 November 2018.

2. Key Issues

- 2.1 A formal request has therefore been made for a dispensation to be granted until the end of the calendar year on the grounds that Councillor Pitchley’s non-attendance throughout the period has been due to ill-health and ongoing recovery. Council can only consider such a request where approval is given in relation to the reasons for non-attendance before the end of the relevant six month period, which will be on 6 May 2019, which is before the next Council meeting on 17 May 2019.

3. Options considered and recommended proposal

- 3.1 Should any councillor lose office, through failure to attend for the six month period, the disqualification cannot be overcome by the councillor subsequently resuming attendance nor can retrospective approval of the Council be sought for an extension in time. If the Council decided not to approve an extension and as Councillor Pitchley would be unable to attend another meeting, a casual vacancy would arise.
- 3.2 Under the circumstances, it is requested that Council waive the attendance requirement Councillor Pitchley until the end of the calendar year. It also recommended that the Council’s best wishes be conveyed to Councillor Pitchley for a speedy recovery.

4. Timetable and Accountability for Implementing this Decision

- 4.1 If minded to approve the request the extension of time will be effective until the end of the calendar year from the date of this meeting. This would not of course prevent Councillor Pitchley from returning to meetings at any time if her health improves sufficiently.

5. Financial and Procurement Advice and Implications

- 5.1 If the recommendations are approved, Councillor Pitchley will continue to receive the basic allowance which all councillors are entitled to receive. As this is budgeted for, there are no financial implications arising from the recommendations within this report.
- 5.2 There are no procurement implications arising from the recommendations within this report.

6. Legal Advice and Implications

- 6.1 The legal implications associated with the recommendations are outlined in paragraph 1.1 of the report.

7. Human Resources Advice and Implications

- 7.1 There are no human resource implications associated with the recommendations within this report.

8. Implications for Children and Young People and Vulnerable Adults

- 8.1 There are no implications for children and young people or vulnerable adults associated with the recommendations within this report.

9. Equalities and Human Rights Advice and Implications

- 9.1 The subject of this report is not a policy, strategy, function or service that is new or being revised. It is considered that an equality impact assessment is not required.

10. Implications for Partners

- 10.1 There are no implications for partners associated with the recommendations within this report.

11. Risks and Mitigation

- 11.1 There are no risks associated with the recommendations within this report.

12. Accountable Officer

James McLaughlin, Head of Democratic Services

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