

Committee Name and Date of Committee Meeting

Council – 05 October 2022

Report Title

Councillor Absence

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

No

Strategic Director Approving Submission of the Report

Jo Brown, Assistant Chief Executive

Report Author(s)

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Ward(s) Affected

Hoover

Report Summary

Section 85 of the Local Government Act 1972 states if a member of a local authority does not attend a meeting, throughout a period of six consecutive months from the date of last attendance, they 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.

Councillor Barley has taken extended leave in accordance with the Council's Elected Member Parental Leave Policy which Council approved on 16th September 2019. The policy allows for up to 12 months parental leave to be granted. It was initially anticipated that this would not be more than 6 months. However, the 6 month period ends on 13th October and the report is brought to seek approval for the reason for absence, in line with the Council's Parental Leave Policy.

Recommendations

1. Council approves Councillor Barley's absence in line with the Elected Member Parental Leave Policy.

List of Appendices Included

None

Background Papers

Council Meeting – 25 May 2022

Cabinet Meeting – 16 September 2019 Recommended Adoption of Policies –
Support for Elected Members
Elected Member Paternity Leave Policy 2019

Consideration by any other Council Committee, Scrutiny or Advisory Panel
None

Council Approval Required
Yes

Exempt from the Press and Public
No

Councillor Absence

1. Background

- 1.1 On 16th September 2019 the Council approved an Elected Member Parental Leave Policy.
- 1.2 The policy sets out the support available to Elected Members to enable them to carry out their duties on behalf of residents and includes entitlement to maternity, paternity, shared parental, adoption and fostering leave and relevant allowances.
- 1.3 The policy ensures that Elected Members are able to take appropriate leave and that reasonable and adequate arrangements are in place to provide cover for those in receipt of Special Responsibility Allowances (SRA) during any period of leave taken.

2. Key Issues

- 2.1 Section 85 of the Local Government Act 1972 means that should a Councillor not attend a meeting for 6 months and a reason not be approved by Council before the end of that period then that Councillor ceases to be a Councillor.
- 2.2 Councillor Barley last attended a meeting on 13th April 2022 and as a consequence should Council not approve the reason for absence before 13th October 2022 then Councillor Barley will cease to be a Councillor.
- 2.3 The Elected Member Paternity Leave Policy provides support to elected members to enable them to carry out their duties on behalf of residents whilst undertaking caring responsibilities.
- 2.4 The policy allows for up to 12 months parental leave to be granted.
- 2.5 It is currently planned from September 2022 that Councillor Barley will return to her councillor duties on a phased basis whilst supporting her personal circumstances.

3. Options considered and recommended proposal

- 3.1 Council could choose not to approve the reason for absence. That course is not recommended as it would not be in line with the Council's Elected Member Paternity Leave Policy.

4. Consultation on proposal

- 4.1 No consultation has taken place as the matter is one that is at the discretion of Council.

5. Timetable and Accountability for Implementing this Decision

5.1 The decision is activated immediately that it is made.

6. Financial and Procurement Advice and Implications

6.1 There is a small additional cost as the special responsibility allowance for the Leader of the Opposition will also be paid pro-rata to Councillor Zachary Collingham.

7. Legal Advice and Implications

7.1 These are contained in the body of the Report.

8. Human Resources Advice and Implications

8.1 There are no human resources implications arising from this report.

9. Implications for Children and Young People and Vulnerable Adults

9.1 There are no Children and Young People and Vulnerable Adults implications arising from this report.

10. Equalities and Human Rights Advice and Implications

10.1 There are no equalities implications arising from the report.

11. Implications for CO₂ Emissions and Climate Change

11.1 There are no implications for CO₂ Emissions and Climate Change arising from this report.

12. Implications for Partners

12.1 There are no implications for Partners arising from this report.

13. Risks and Mitigation

13.1 There are no risks to be borne in mind in respect of the recommendations.

Accountable Officer(s)

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