

Report of:	The Monitoring Officer - Samantha Dorchell
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AGENDA ITEM 15

Submitted to:	Council – 23 December 2019
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Subject	Section 85, Local Government Act 1972 – Request for exemption from attendance at Council meetings – Councillor Smith
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Summary

Proposed decision(s)

To consider a request from Councillor Smith for exemption from attendance at Council meetings as required by Section 85 (1) of the Local Government Act 1972

Report for:	Key decision:	Confidential:	Can be called-in:
Decision	No	No	No

Contribution to delivery of the 2018-22 Strategic Plan

Business Imperatives	Physical Regeneration	Social Regeneration
Not applicable	Not applicable	Not applicable

Ward(s) affected

Not applicable

What is the purpose of this report?

1. To consider a request from Councillor Smith for exemption from attendance at Council meetings as required by Section 85 (1) of the Local Government Act 1972

Why does this report require a Member decision?

2. Requests for exemption from attendance at Council meetings require full Council approval.

What decision(s) are being asked for?

3. Councillor Smith has formally requested the authority to grant the request for an exemption with regard to attendance at Council meetings until the date of his trial.

Section 85 (1) of the Local Government Act 1972 provides that a Member will cease to be member of the authority if:

- (i) they fail to attend any meetings of the authority or any other meeting as a representative of the council;
- (ii) they have been absent for a period of six consecutive months from the date of their last attendance;
- (iii) their absence is not due to some reason approved by the authority before the expiry of that period.

Approval by the authority to grant the request with regard to attendance at Council meetings must be before the expiry of the six month period.

That Council consider the request from Councillor Smith and agree one of the following options:

1. To grant the request.
2. Not to grant the request.

Other potential decisions and why these have not been recommended

4. Not applicable

Impact(s) of recommended decision(s)

Legal

5. No impact.

Financial

6. No impact.

Policy Framework

7. Not applicable. The report does not propose an amendment to the policy framework.

Equality and Diversity

8. Not applicable.

Risk

9. If the Council does not have adequate governance processes in place to ensure that it complies with all relevant legislation. This could result in a breach in governance requirements leading to (depending on the seriousness of the breach) fines, reputational damage, government intervention alongside failure to deliver organisational priorities

Actions to be taken to implement the decision(s)

10. Act in accordance with Section 85 (I) of the Local Government Act 1972.