


Non-Executive Report of the: Council Wednesday, 17 March 2021	 TOWER HAMLETS
Report of: Janet Fasan, Director of Legal and Interim Monitoring Officer	Classification: Open (Unrestricted)
Waiver of 6 Month Councillor Attendance Rule and Appointment of Chair of Strategic Development Committee	

Originating Officer(s)	Matthew Mannion, Head of Democratic Services
Wards affected	(All Wards);

Executive Summary

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. This requirement can be waived and the time limit extended if such a request is approved by Council in advance of the six-month period expiring.

Councillor John Pierce is currently absent on adoption leave from 1 March until the end of December 2021. This period is longer than six months and Councillor Pierce is therefore formally requesting that an extension to the six-month rule be approved by Council.

In addition, Councillor John Pierce is the Chair of the Strategic Development Committee. This report therefore asks for nominations to cover that position until Councillor Pierce returns.

Recommendations:

The Council is recommended to:

1. Consider the request to extend Councillor John Pierce's period of officer beyond the six-month period of non-attendance provided for within Section 85(1) of the Local Government Act 1972 on the grounds of being on adoption leave.
2. That Council approve the requested extension of time to expire on 31 December 2021.
3. That Council appoint a Chair of the Strategic Development Committee until the point that Councillor John Pierce returns.

1. REASONS FOR THE DECISIONS

- 1.1 The extension to the 6-month rule has been requested to ensure that Councillor John Pierce is able to return to his role following his period of adoption leave.
- 1.2 The report also provides Council with the opportunity to appoint a Chair of the Strategic Development Committee should it wish. If Council does not appoint a Chair then it will be for the Committee to determine its own arrangements.

2. ALTERNATIVE OPTIONS

- 2.1 None are presented however Council can decide not to grant the request for an extension.

3. DETAILS OF THE REPORT

- 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 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.
- 3.2 Councillor John Pierce will be on adoption leave from 1 March 2021 until 31 December 2021. This is longer than 6 months and so without an agreed extension he would cease to be a Member of the authority.
- 3.3 The Council has an agreed Maternity, Paternity, Adoption and Sickness Pay policy for Members in that they shall continue to receive their Basic Allowance and any Special Responsibility Allowance whilst on leave. This extension to the 6-month rule would therefore ensure the Councillor was able to take adoption leave in line with this policy.
- 3.4 Councillor Pierce is also the Chair of the Strategic Development Committee. Council should therefore consider whether it wishes to appoint a Member to cover that position whilst Councillor Pierce is on adoption leave. This could be the existing Vice-Chair or another appropriate Member.
- 3.5 At the Council meeting, the Speaker will ask for any nominations for the meeting to consider. Should Council not make an appointment, the Strategic Development Committee will be asked to determine its own arrangements.

4. EQUALITIES IMPLICATIONS

- 4.1 The Council's agreed Maternity, Paternity, Adoption and Sickness policies for Members are designed to ensure that all Members are able to take necessary leave whilst continuing to serve as Members of the Council and are therefore a vital part in supporting all residents who would wish to serve as Members to serve their communities.
- 4.2 Waiver extensions to the 6-month rule can only be granted on a case-by-case basis and so cannot be pre-written into the policy. Council is therefore asked to grant this extension request to ensure Councillor John Pierce is able to make use of the adoption policy for Members.

5. OTHER STATUTORY IMPLICATIONS

- 5.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:
- Best Value Implications,
 - Consultations,
 - Environmental (including air quality),
 - Risk Management,
 - Crime Reduction,
 - Safeguarding.
 - Data Protection / Privacy Impact Assessment.
- 5.2 Were an extension not to be granted there is a risk that Councillor John Pierce would be disqualified from office as a Councillor.

6. COMMENTS OF THE CHIEF FINANCE OFFICER

- 6.1 This report recommends agreement to the extension of the waiver for the 6 Month Councillor Attendance Rule from 1 March to 31 December 2021. There are no direct financial implications arising from this report.

7. COMMENTS OF LEGAL SERVICES

- 7.1 Section 85(1) of the Local Government Act 1972 states that a member ceases to be a member of a local authority if he or she does not attend a meeting of that authority for a period of six months from the date of his or her last attendance. The section permits a local authority to approve the non-attendance of the member at any meeting of the authority, if the approval is given before the expiry of the six month period. This would enable the Council to follow the requirements of its Maternity, Paternity, Adoption and Sickness Policies in this case.
- 7.2 The proposals set out in this report comply with the above legislation.

Linked Reports, Appendices and Background Documents

Linked Report

- None.

Appendices

- None.

Local Government Act, 1972 Section 100D (As amended)

List of “Background Papers” used in the preparation of this report

List any background documents not already in the public domain including officer contact information.

- None.

Officer contact details for documents:

N/A