For publication

Absence of Member of the Council (GV060)

Meeting:	Cabinet
Date:	8 September, 2020
Cabinet portfolio:	Governance
Report by:	Senior Democratic and Scrutiny Officer

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1.0 Purpose of report

1.1 To enable the Cabinet to consider, for the purposes of Section 85(1) of the Local Government Act 1972, the reasons for the absence of a Member of the Council from meetings of the Authority.

2.0 Recommendations

2.1 That, for the purposes of Section 85(1) of the Local Government Act, 1972, the reason for the absence from meetings of Councillor A Bellamy since 11th March, 2020, i.e. ill health, be approved and his continued absence from meetings be authorised through until the end of January, 2021.

2.2 That the best wishes of Cabinet be sent to Councillor Bellamy.

3.0 **Report details**

3.1 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 last attendance, to attend any meetings of the authority, he 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.

3.2 Section 85(2) of the 1972 Act states that attendance as a member:

- at a meeting of any committee or sub-committee of the authority;
- or at a meeting of any joint committee, joint board or other body by whom for the time being any of the functions of the authority are being discharged, or who were appointed to advise the authority on any matter relating to the discharge of their functions;
- or as a representative of the authority at a meeting of any body of persons,

shall be deemed for the purposes of Section 85(1) to be attendance at a meeting of the authority.

3.3 Due to the impact of the Covid-19 pandemic earlier in 2020 leading to initially the cancellation of member-level meetings and then the holding of remote meetings, a decision was taken by the Leader under emergency delegated decision-making powers on 28th April, 2020 that, for the purposes of Section 85(1) of the Local Government Act, 1972, the reason for the absence from meetings of any councillor be approved and their continued absence from meetings be authorised from 19th March 2020 through until the second meeting they are eligible to attend following resumption of member level

committees (remotely or with being physically present, whichever is the first to occur).

3.4 The Council's constitution authorises the Cabinet to approve or otherwise for the purposes of Section 85(1) the reason(s) for the failure of any Member to attend meetings of this Authority.

3.5 Councillor Bellamy has been prevented by illness from attending meetings of the authority since his last attendance on 11th March, 2020 when he was present at a meeting of the Appeals and Regulatory Committee. Since 19th March, 2020, there has to date been only one meeting that Councillor Bellamy would have been eligible to attend, but was unable to due to illness. It is not currently known when he might be in a position to resume his duties, although it is thought that this is unlikely to be before the second meeting that he would be eligible to attend. It is hoped that he would be able to resume duties before the end of January, 2021.

4.0 Recommendations

4.1 That, for the purposes of Section 85(1) of the Local Government Act, 1972, the reason for the absence from meetings of Councillor A Bellamy since 11th March, 2020, i.e. ill health, be approved and his continued absence from meetings be authorised through until the end of January, 2021.

4.2 That the best wishes of Cabinet be sent to Councillor Bellamy.

5.0 Reasons for recommendations

5.1 To meet the requirements of Section 85(1) of the Local Government Act 1972.

Decision information

Key decision number	**N/A**
Wards affected	**Brimington South**
Links to Council Plan priorities	All

Document information

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