



**Full Council**  
**23 November 2015**

**Report from the Chief Operating Officer**

Wards Affected:  
ALL

**Member's Absence from Council Meetings**

**1.0 Summary**

- 1.1 The Local Government Act 1972 expressly provides that where a council member fails throughout a period of 6 consecutive months from the date of their last attendance to attend any meeting of the authority then, subject to certain exceptions, they cease to be a member of the authority unless failure was due to some reason approved by the Council before the expiry of that period.
- 1.2 Councillor Aisha Hoda-Benn, Sudbury Ward, last attended a Council meeting (Full Council) on 22 June 2015 and would cease to be a councillor on 23 December 2015 if she was unable to attend a meeting before then.

**2.0 Recommendations**

- 2.1 that Councillor Hoda-Benn's absence from meetings of the Council since 22 June 2015 be approved on the basis of her pregnancy and maternity leave and that the position be reviewed by Full Council, if required, on 18 January 2016;
- 2.2 that the Council's congratulations be passed to Councillor Hoda-Benn following the birth of her new baby.

**3.0 Detail**

- 3.1 A Councillor who is absent from all meetings of the Council and any committees of which they are a member for a period of six months automatically ceases to be a member of the Council unless they have been given leave of absence by the Council before the expiry of that six month period – s.85 Local Government Act 1972.
- 3.2 Whilst staff in Executive and Member Services will make every effort to monitor attendance and forewarn any councillors who may be nearing the expiry of the six month period, the responsibility for ensuring that they comply with the requirements of s.85 is that of the individual councillor.
- 3.3 Councillor Hoda-Benn is currently on a maternity break following the birth of her baby on 17 September 2015. She has been unable to attend meetings since 22 June 2015 and if she were not to attend another meeting before 23 December 2015, the

legislation provides that her seat be declared vacant forthwith and she would cease to be a councillor.

- 3.4 At a Council meeting on 13 June 2001, it was agreed that the decision to then approve the absence of a councillor due to ill health should set a precedent in similar circumstances.

#### **4. Legal implications**

- 4.1 Section 85(1) of the Local Government Act 1972 provides

*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 meeting 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.*

#### **Background Papers**

Local Government Act 1972  
Council minutes 13 June 2001

#### **Contact Officer**

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