

Committee: Standards and General Purposes Committee

Date: 4 November 2021

Agenda item:

Subject: Local Government Act 1972, Section 85 (1): Approval of Absence

Lead officer: Louise Round, Managing Director, South London Legal Partnership

Lead member: Councillor Mark Allison, Leader of the Council

Contact officer: Amy Dumitrescu, Democracy Services Manager

Recommendations:

That, in the event that Councillor Marsie Skeete is unable to attend a meeting of the authority before 4 May 2022, approval is given to that absence on the grounds of her of ill-health.

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. This report asks the Committee to acknowledge the possibility of Councillor Marsie Skeete's non-attendance at meetings of Merton Council for the between now and 4 May 2022 and to approve the absence for reason of ill-health.

2 DETAILS

- 2.1. Due to ill-health Councillor Marsie Skeete has not to date been able to attend a meeting of the authority since 7 September 2021 when she chaired a virtual meeting of the Joint Consultative Committee. . Councillor Skeete is also a member of the Cabinet and last attended a meeting of Cabinet on 12 July 2021.
- 2.2. Under section 85 of the Local Government Act 1972, if a councillor does not attend any relevant meeting for a period of six months, they automatically cease to be a member of the Council unless before the expiry of that period, the authority has approve the reason for that absence. Where a councillor is also a member of the executive (Cabinet), there is also a requirement to attend a meeting of the Cabinet within that period.
- 2.3. Because of the nature of her health difficulties (she is currently awaiting a transplant), it is not possible at this stage to say whether Councillor Skeete will be able to attend any meetings in person between now and the end of this municipal year (especially bearing in mind the fact there are no scheduled meetings, apart from of the Planning Applications Committee following the publication of the notice of election on or around 28 March next year). Elsewhere on this agenda is a report dealing with a proposals to continue the remote participation of members in meetings and if that is agreed it is likely that Councillor Skeete will attend some meetings virtually. However, such attendance will not count for the purposes of section 85 now that the regulations allowing for virtual meetings have lapsed.

- 2.4. Accordingly, it would be prudent to agree that Councillor Skeete's illness will be an authorised reason for non-attendance at future meetings should she be unable to attend in person.

3 ALTERNATIVE OPTIONS

- 3.1. It is the responsibility of the Council to consider this matter and agree the reason for absence.

4 CONSULTATION UNDERTAKEN OR PROPOSED

- 4.1. None for the purpose of this report.

5 TIMETABLE

- 5.1. Approving a reason for absence must be given before the expiry of any six months period of nonattendance which is why this recommendation is being made at this stage.

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 6.1. None for the purpose of this report.

7 LEGAL AND STATUTORY IMPLICATIONS

- 7.1. Sections 85(1) and 2A of the Local Government Act 1972 (LGA) prescribes:

"(1).....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."

(2A).....if a member of a local authority which are operating executive arrangements, who is also a member of the executive of that local authority, fails throughout a period of six consecutive months from the date of his last attendance to attend any meeting of the executive, he shall, unless the failure was due to some reason approved by the local authority before the expiry of that period, cease to be a member of the local authority.

- 7.2. The power to approve a reason for failure to attend a meeting (which in effect allows a councillor a leave of absence) is not one which is required by law to be reserved to full Council. The terms of reference of this Committee include the power "*to determine all other matters which are non-executive functions and which are not otherwise reserved to Council are not within the terms of reference of any other committee and which are not delegated to an officer*". This is sufficiently wide to allow this Committee to agree the recommendations without reference to full Council.

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

8.1. It is understood that Councillor Skeete has been apprised of the position as detailed in this report.

9 CRIME AND DISORDER IMPLICATIONS

9.1. None for the purpose of this report.

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

10.1. None for the purpose of this report.

11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT

- None

12 BACKGROUND PAPERS - NONE

This page is intentionally left blank