



**Council**

**Thursday, 5 March 2020**

**Leave of Absence for Councillor Jenny Murray**

## **Report of the Monitoring Officer**

### **Portfolio Holder for Strategic and Borough Wide Leadership Councillor Simon Robinson**

#### **1. Purpose of Report**

- 1.1. The Local Government Act 1972 Section 85 (1) (“the Act”) requires Council to consider and authorise any absence of a Councillor from attendance at Council meetings.
- 1.2. Where a member of a Local Authority is absent for a period of 6 consecutive months from meetings of the Authority the member shall, unless the failure to attend has been approved by the Authority before the expiry of that period, cease to be a member of that Authority.
- 1.3. This report seeks Council’s approval for the absence of Councillor Jenny Murray having regard to the circumstances of her absence, from Council meetings for a six-month period in accordance with the provisions of the Act.

#### **2. Recommendation**

It is RECOMMENDED that

- a) Council resolve, having regard to the circumstances of the absence of Councillor Jenny Murray from Council meetings, to waive the requirements of Section 85 (1) of the Local Government Act 1972 for a period of up to 6 months from 19 March – 19 September 2020.
- b) Payment of the Councillor allowance continue for the duration of the authorised absence

#### **3. Reasons for Recommendation**

The provisions of the Local Government Act 1972 prescribe the process for approval.

#### **4. Supporting Information**

- 4.1 Where a member is unable to attend any meetings of the Authority for a period of six consecutive months following the date of their last attendance, they shall automatically cease to be a member of the Authority, unless councillors resolve to approve an extended absence. Council is requested consider the reason for Councillor Murray’s non attendance and seeks approval for her absence for an extended period of 6 months.
- 4.2 Councillors will be aware that Councillor Murray has experienced a period of ill health and ongoing treatment, recovery prevents her from undertaking her full duties as a Councillor. Councillor Murray’s last attendance at a meeting of the Authority was at Council on the 19 September 2019.

4.3 Without a resolution of the Council pursuant to Section 85 (1) of the Act, Councillor Murray must attend any meeting of the Council prior to March 2020. Councillor Murray is unable due to her ongoing treatment to attend a meeting within this period.

4.4 Council can only consider a reason to waive the requirements of the provisions of the Act prior to the end of the 6 month period. Councillors are not able to approve this retrospectively. Given the timetable of the meetings there are no opportunities for Councillor Murray to resume her duties prior to the end of the 6 month period, and this meeting presents Council's last opportunity to consider an exemption to the attendance requirements.

4.5 In the circumstances, it proposed that an extension of the 6 month rule under the Act be considered to allow an additional recovery period, should it be required.

## 5. **Alternative options considered and reasons for rejection**

Council could resolve not to approve the reasons for the absence as prescribed by the Act.

## 6 **Risks and uncertainties**

Where a Councillor loses their office as a result of a failure to attend a meeting for a consecutive period of 6 months, the disqualification cannot be overcome by the Councillor subsequently resuming attendance. Retrospective approval cannot be sought for an extension of time. If Council decided not to approve an extension and Councillor Murray is unable to attend a meeting within the remainder of the 6 month period, a casual vacancy would arise.

## 7 **Implications**

### 7.1 Financial Implications

There are no budget implications associated with this report.

### 7.2 Legal Implications

This report complies with the provisions of the Local Government Act 1972.

### 7.3 Equalities Implications

There are no direct equalities implications arising from this report.

### 7.4 Section 17 of the Crime and Disorder Act 1998 implications

There are no Section 17 implications arising from this report.

## 8 **Link to Corporate Priorities**

Quality of Life Efficient Services Sustainable Growth The Environment	Attendance at meetings critical to the Council's decision making process so that it may deliver the Council's Corporate Priorities.
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## 9 Recommendations

It is RECOMMENDED that

- c) Council resolve, having regard to the circumstances of the absence of Councillor Jenny Murray from Council meetings, to waive the requirements of Section 85 (1) of the Local Government Act 1972 for a period of up to 6 months from 19 March – 19 September 2020.
- d) Payment of the Councillor allowance continue for the duration of the authorised absence

<b>For more information contact:</b>	Sanjit Sull Monitoring Officer 0115 9148 215 <a href="mailto:ssull@rushcliffe.gov.uk">ssull@rushcliffe.gov.uk</a>
<b>Background papers Available for Inspection:</b>	None.
<b>List of appendices (if any):</b>	None.