

Birmingham City Council

Council Business Management Committee

20th January 2020



Subject: Dispensation for Non-Attendance of Councillor at Council Meetings

Report of: Assistant Director, Governance

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Does the report contain confidential or exempt information? ☐ Yes ☒ No

If relevant, state which appendix is exempt, and provide exempt information paragraph number or reason if confidential :

1 Executive Summary

- 1.1 This report provides details of a recommendation that the Council Business Management Committee, on behalf of the Council, approve a period of absence from meetings by two Councillors pursuant to section 85 of the Local Government Act 1972.

2 Recommendations

- 2.1 That Council Business Management Committee:
- 2.1.1 Approves the non-attendance of Councillor Safia Akhtar at Council meetings from 24 January 2020 until 24 July 2020 due to maternity leave in accordance with the Members Allowance Scheme and pursuant to S85 Local Government Act 1072.
- 2.1.2 On behalf of the Council, this Committee wishes Councillor Akhtar well in her pregnancy.
- 2.1.3 Approves the Chief Executive writing to Cllr Akhtar as soon as possible, confirming the approval of this committee.

3 Background

- 3.1 Section 85(i) of the Local Government Act 1972 states "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”.

- 3.2 Attendance in an official capacity at a meeting of a committee or sub-committee of the Council or at any meeting of a joint committee or other such body discharging functions of the Council or at any meeting as a representative of the Council is deemed to be a ‘meeting of the Council (section 85(ii)).
- 3.3 If after six months from the date of a member’s last attendance to attend any meeting, the Council has not approved the absence then the member as a result of the operation of law ceases to be a member of the Council from that date. The six months runs from the date of the member’s last attendance and approval must be given within that six month period.
- 3.4 Once approval has been given and it can be for no more than 6 months prospectively or retrospectively or a combination of both – this statutory six months period begins to run from the end of the period for which approval has been given.
- 3.5 In March 2018, the City Council adopted a parental policy for councillors, including provision for maternity/paternity/adoption pay. This now forms part of the Members’ Allowance Scheme.

4 Options considered and Recommended Proposal

- 4.1 Under this policy, Cllr Akhtar has applied for a dispensation under the maternity scheme. The Assistant Director, Governance, has been advised that she is expected to be absent for at least six months.
- 4.2 Therefore, it is proposed that dispensations be granted as set out in Section 2. If the dispensation is not granted then either the Councillors must attend council meetings during their maternity leave, or risk automatic disqualification as a Councillor.
- 4.3 The parental policy allows for maternity leave up to twelve months. It is advised that a further report requesting dispensation will be presented to CBM the month before expiry of the six month period if the Councillor wishes to extend her dispensation.