

BIRMINGHAM CITY COUNCIL**PUBLIC REPORT**

Report to:	COUNCIL BUSINESS MANAGEMENT COMMITTEE
Report of:	CITY SOLICITOR
Date of Decision:	19 November 2018
SUBJECT:	DISPENSATION FOR NON-ATTENDANCE OF A COUNCILLOR AT COUNCIL MEETINGS
Ward:	NA

1. Purpose of report:
1.1 This report provides details of a recommendation that the Council approve a period of absence from meetings by a Councillor pursuant to section 85 of the Local Government Act 1972.

2. Decisions Recommended :
That Council Business Management Committee:
2.1 Notes Councillor Safia Akhtar has been unable to attend meetings since 19/07/18 due to pregnancy related sickness.
2.2 On behalf of the Council, this Committee wishes Councillor Safia Akhtar well in her pregnancy.
2.3 Notes the non-attendance of Councillor Safia Akhtar at Council meetings from 19 July 2018 until 19 January 2019 due to illness during pregnancy, and thereafter maternity leave in accordance with the Members Allowance Scheme and pursuant to S85 Local Government Act 1072.
2.4 Approves the Chief Executive writing to Councillor Safia Akhtar as soon as possible, confirming the approval of this committee.

Lead Contact Officer(s):	Kate Charlton City Solicitor
Telephone No:	0121 464 1172
E-mail address:	kate.charlton@birmingham.gov.uk

3. Relevant 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 Council.
- 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’.
- 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 Councillor Safia Akhtar has not been able to attend council meetings since 19/07/18 due to pregnancy related sickness. Councillor Akhtar will be starting her maternity leave as of 01/12/18. The City Solicitor has been advised that Councillor Safia Akhtar is expected to be absent for at least six months.
- 3.6 As Councillor Akhtar is likely to remain absent from the Council beyond 19 January 2019 (due to maternity leave), the need for a further dispensation will arise from that date. For the avoidance of doubt, if Councillor Akhtar fails to attend any meeting of the Council after 19 January 2019, she would automatically be disqualified as a Councillor under the statutory provision contained in the Local Government Act 1972 (Section 85(1)) unless the Council passes a further dispensation resolution before that date.
- 3.7 It is advised that a further report requesting dispensation is likely to be presented to CBM the month before expiry of the six month period i.e, before 19 January 2019.

Signatures of approval to submit the report to Committee:

Kate Charlton – City Solicitor:

Dated: