



Name of meeting: Council

Date: 12th October 2022

Title of report: Member attendance rules

Purpose of report

To ask Council to consider approving the reason a Councillor has not attended a meeting of the authority pursuant to section 85 of the Local Government Act 1972

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	not applicable
Key Decision - Is it in the Council's Forward Plan (key decisions and private reports?)	no
The Decision - Is it eligible for call in by Scrutiny?	no
Date signed off by <u>Strategic Director</u> & name	Yes – Rachel Spencer-Henshall
Is it also signed off by the Service Director Finance?	Yes – Eamonn Croston
Is it also signed off by the Service Director for Legal, Governance and Commissioning?	Yes – Julie Muscroft
Cabinet member portfolio	N/A

Electoral wards affected: All

Ward councillors consulted: None

Public or private: Public

Has GDPR been considered? Yes

1. Summary

- 1.1 This report sets out the issues arising from the inability of Cllr Fran Perry to attend any meeting of the Council since her election in May 2022.
- 1.2 It seeks the approval of Council to waive the '6 months rule' due to the significant illness suffered shortly after the election of Cllr Perry.
- 1.3 Cllr Perry has indicated that she is undergoing rehabilitation and it is her wish and intention to resume her Councillor duties at the earliest opportunity.

2. Information required to take a decision

2.1 The Legislation

- 2.1.1 Section 85 (1) of the Local Government Act 1972 requires a member of a Local Authority to attend at least one meeting of that Authority within a six month consecutive period. Failure to do so results in automatic disqualification as a Councillor.
- 2.1.2 This requirement can be waived if any failure to attend was due to a reason approved by the Authority, provided that the decision to approve the reason is taken before the expiry of the six month period.

2.2 Chronology

- 2.2.1 Cllr Perry was elected on May 5th 2022 but, due to a significant illness, has been unable to participate in Council business since her election. Cllr Perry is currently undergoing rehabilitation.
- 2.2.2 As Cllr Perry has been unable to attend any meetings of the Council since being elected, the 6 months will run from the date Cllr Perry was sworn in on May 5th 2022.
- 2.2.3 As there was no previous attendance to calculate the 6 months from, it was determined that the appropriate date would be the date of election, as that would have been the earliest that Cllr Perry could have attended a qualifying meeting. This is in line with advice that has been provided previously.
- 2.2.4 Taking May 5th as the appropriate date, any decision to approve the reason for the absence under S.85 would need to be taken by November 4th at the latest.

3. Implications for the Council

3.1 Working with People

N/A

3.2 Working with Partners

N/A

3.3 Place Based Working

N/A

3.4 Climate Change and Air Quality

N/A

3.5 Improving Outcomes for Children

N/A

3.6 Financial Implications for the people living or working in Kirklees

N/A

3.7 Other (eg Legal/Financial or Human Resources)

N/A

3.8 Do you need an Integrated Impact Assessment (IIA)?

N

4. Next steps and timelines

- 4.1 Members are asked to consider approving the reason for Councillor Perry's non-attendance at and Council meeting during the period of six months commencing on 5th May 2022.

If approved by Council, Cllr Perry will be provided with a further 6 months to enable her to recover in order to resume her councillor duties.

5. Officer recommendations and reasons

Members are asked to determine:

- 5.1 the approval of the reason for Councillor Perry's non-attendance. The effect of approval will be that Councillor Perry continues to be a member of the authority and there will be an additional six month period for her recovery to progress.

6. Cabinet portfolio holder's recommendations

N/A

7. Contact officer

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8. Background Papers and History of Decisions

8.1 N/A

9. Service Director responsible

Julie Muscroft
Service Director – Legal, Governance and Commissioning
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