

## Special Urgency Decision

<b>Report title</b>	Dispensation for Councillor Rupinderjit Kaur	
<b>Cabinet member with lead responsibility</b>	Councillor Ian Brookfield Leader of the Council	
<b>Wards affected</b>	All Wards	
<b>Accountable Director</b>	Tim Johnson, Chief Executive	
<b>Originating service</b>	Governance	
<b>Accountable employee</b>	David Pattison	Director of Governance
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<b>Report to be/has been considered by</b>	N/A	

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### Recommendations for decision:

That the Leader of the Council and Chief Executive formally authorise the following decisions under the special urgency provisions at paragraph 12.9 of the Council's Constitution to:

1. Approve the absence of Councillor Rupinderjit Kaur until 16 January 2022 pursuant to section 85 of the Local Government Act 1972.

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Signature  
Leader of the Council, Councillor Ian Brookfield

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Signature  
Chief Executive, Tim Johnson

Date: 19 July 2021

## 1.0 Purpose

- 1.1 To approve the absence of Councillor Rupinderjit Kaur, by reason of exceptional caring responsibilities pursuant to the requirements of section 85 of the Local Government Act 1972.

## 2.0 Background

- 2.1 Section 85 of the Local Government Act 1972 is set out below it provides that unless the Council has authorised the absence in advance then a Councillor's seat is automatically vacated if that Councillor has not attended a Council, Committee meeting of other meeting prescribed by section 85, in a six month period.
- 2.2 This report seeks to authorise the absence in advance of the expiry of the six month period. Councillor Kaur last attended a meeting on 19 January 2021 and as such the six month period is due to expire on 19 July 2021. Councillor Kaur has been unable to attend due to exceptional caring responsibilities and has requested a leave of absence. The absence expires prior to the next meeting of full Council and cannot be agreed to retrospectively so must be addressed through the urgent decision process.
- 2.3 If the absence is approved then Councillor Kaur would be treated effectively as having attended on the date of the approval and if made on 16 July would have to attend a further meeting within the next six months from the date the current six month period expires, ie by 16 January 2022, or would automatically vacate her seat as a Councillor.

### **85 Vacation of office by failure to attend meetings**

*(1) Subject to subsections (2) and (3) below, 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.*

*(2) Attendance as a member at a meeting of any committee or sub-committee of the authority, or at a meeting of any joint committee, joint board or other body by whom for the time being any of the functions of the authority are being discharged, or who were appointed to advise the authority on any matter relating to the discharge of their functions, and attendance as representative of the authority at a meeting of any body of persons, shall be deemed for the purposes of subsection (1) above to be attendance at a meeting of the authority.*

*[(2A) Subject to subsections (2B) and (3), 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.*

(2B) *For the purposes of this section—*

(a) *the discharge by a member, acting alone, of any function which is the responsibility of the executive; and*

(b) *in respect of a mayor and cabinet executive or leader and cabinet executive, attendance as a member at a meeting of a committee of the executive,*

*shall each be deemed to be attendance at a meeting of the executive.]*

(3) *A member of any branch of Her Majesty's naval, military or air forces when employed during war or any emergency on any naval, military or air force service, and a person whose employment in the service of Her Majesty in connection with war or any emergency is such as, in the opinion of the Secretary of State, to entitle him to relief from disqualification on account of absence, shall not cease to be a member of a local authority by reason only of a failure to attend meetings of the local authority [or of a failure to attend meetings of the executive] if the failure is due to that employment.*

*[(3A) Any period during which a member of a local authority is suspended or partially suspended under section 66, [. . . 73, 78, . . .] or 79 of the [Local Government Act 2000](#) shall be disregarded for the purpose of calculating the period of six consecutive months under subsection (1) [or (2A)] above (and, accordingly, a period during which a member fails to attend meetings of the authority [or, as the case may be, meetings of the executive] that falls immediately before, and another such period that falls immediately after, a period of suspension or partial suspension shall be treated as consecutive).]*

*[(3B) Subsections (3C) and (3D) apply for the purpose of calculating the period of six consecutive months under subsection (1) or (2A).*

(3C) *Any period during which a member of a local authority in Wales is exercising a right to absence under Part 2 of the [Local Government \(Wales\) Measure 2011](#) is to be disregarded.*

(3D) *The following two periods are to be treated as consecutive—*

(a) *the period during which a member of a local authority in Wales fails to attend meetings of the authority or, as the case may be, meetings of the executive that falls immediately before the period described in subsection (3C), and*

(b) *the period that falls immediately after the period described in subsection (3C).]*

*[(4) In this section “local authority” includes a joint authority[, an economic prosperity board] [and a combined authority] . . . .]*

### **3.0 Urgent Decisions**

3.1 Under the Council’s Constitution, Part 2, Article 12 the Council may take urgent decisions under the following procedure:

*The Leader (or in their absence the Deputy Leader) in consultation with the Chair of Scrutiny Board, Opposition Leader and Chief Executive, shall be able to exercise the powers of the Council in any matter of immediate urgency making the prompt exercise of the powers of the Council desirable and which cannot await the next ordinary meeting of the Council. Decisions made under this provision will be reported to the next meeting of the Council.*

3.2 Both the Chair of Scrutiny Board and the Opposition Leader have been consulted on the urgent decisions. As set out above the absence, if it is to be approved, must be approved prior to the next Council meeting.

#### **4.0 Evaluation of alternative options**

4.1 The alternative is to simply let section 85 operate and have the seats automatically vacated.

#### **5.0 Reasons for decisions**

5.1 To ensure that Councillor Rupinderjit Kaur's seat is not automatically vacated as a result of her absence from meetings as a result of her personal circumstances.

#### **6.0 Financial implications**

6.1 There are no financial implications arising from the recommendation in this report. [AS/20072021/J]

#### **7.0 Legal implications**

7.1 If the decision is not made by midnight on 19 July 2021 Councillor Rupinderjit Kaur would automatically lose her seat by virtue of the operation of section 85 of the Local Government Act 1972. [DP/15072021/A]

#### **8.0 Equalities implications**

8.1 There are no equality implications arising from the recommendation in this report.

#### **9.0 All other Implications**

9.1 There are no other implications arising from the recommendation in this report.