

# Report to Council

**26 July 2021**

<b>Subject:</b>	Extension to Six Month Attendance
<b>Director:</b>	Surjit Tour – Director of Law and Governance and Monitoring Officer
<b>Contact Officer:</b>	Trisha Newton Senior Democratic Services Officer <a href="mailto:Trisha_Newton@sandwell.gov.uk">Trisha_Newton@sandwell.gov.uk</a>

## 1 Recommendations

- 1.1 Having regard to the circumstances of the absence of Councillor Khatun from Council meetings, consideration be given to the waiving of the requirements of Section 85 of the Local Government Act 1972 and to approve an extension of the six-month rule for Councillor Khatun for a period of six months, with effect from 27 July 2021 expiring 28 January 2022.
- 1.2 Having regard to the circumstances of the absence of Councillor Tagger from Council meetings, consideration be given to the waiving of the requirements of Section 85 of the Local Government Act 1972 and to approve an extension of the six-month rule of Councillor Tagger for a period of six months, with effect from 2 September 2021 expiring 3 March 2022.



## 2 Reasons for Recommendations

- 2.1 An extension of the six-month attendance rule is sought to excuse the non-attendance of Councillor Khatun at Council meetings for a period of six months, with effect from 27 July 2021 expiring 28 January 2022 and Councillor Tagger for a period of six months, with effect from 2 September 2021 expiring 3 March 2022, due to ill-health.

## 3 How does this deliver objectives of the Corporate Plan?

- 3.1 This is a statutory matter for consideration by Council that is not directly linked to the delivery of the corporate plan.

## 4 Context and Key Issues

- 4.1 Due to Councillor Khatun suffering ill-health, a formal request has been received for an extension to the six-month rule to be approved on the grounds that Councillor Khatun's non-attendance has been due to ill-health and ongoing recovery. Council can only consider such a request where approval is given in relation to the reasons for non-attendance before the end of the relevant six-month period, which will be on the 27 July 2021.
- 4.2 Under the circumstances, it is requested that Council approve an extension of the six-month rule for Councillor Khatun and that Council's best wishes be conveyed to Councillor Khatun for a speedy recovery. If approved, the extension of time would be effective for a six-month period from 27 July 2021 expiring on 28 January 2022. This does not, of course, prevent Councillor Khatun from returning to meetings at any time if her health improves sufficiently.



4.3 Due to Councillor Tagger suffering ill-health, a formal request has been received for an extension to the six-month rule to be approved on the grounds that Councillor Tagger’s non-attendance has been due to ill-health and ongoing recovery. Council can only consider such a request where approval is given in relation to the reasons for non-attendance before the end of the relevant six-month period, which will be on 2 September 2021 expiring 3 March 2022.

4.4 Under the circumstances, it is requested that Council approve an extension of the six-month rule for Councillor Tagger and that Council’s best wishes be conveyed to Councillor Tagger for a speedy recovery. If approved, the extension of time would be effective for a six-month period from 2 September 2021 expiring 3 March 2022. This does not, of course, prevent Councillor Tagger from returning to meetings at any time if his health improves sufficiently.

## 5 Alternative Options

5.1 There are no alternative options. A formal request has been received and the Council is required to consider it.

## 6 Implications

<b>Resources:</b>	There are no specific resource implications arising from the contents of this report.
<b>Legal and Governance:</b>	Section 85 of the Local Government Act 1972 states that ‘if a member of a Local Authority fails, throughout a period of six consecutive months from the date of their last attendance, to attend any meeting of the Authority they will, unless the failure was due to some good reason approved by the Authority before the expiry of that period, cease to be a member of the Authority’. Attendance can be at any committee or sub-committee, or any joint committee, joint board or other body where the functions of the Authority are discharged or who were appointed to advise the Authority on any matter relating to the discharge of their functions.



	<p>The requirement can be waived and the time limit extended if any failure to attend was due to a reason approved by the Authority, in advance of the six month period expiring.</p> <p>Should any councillor lose office through failure to attend for the six month period, the disqualification cannot be overcome by the councillor subsequently resuming attendance nor can retrospective approval of the Council be sought for an extension in time.</p>
<b>Risk:</b>	If the Council decided not to approve an extension a casual vacancy would arise.
<b>Equality:</b>	There are no equality implications arising from the contents of this report.
<b>Health and Wellbeing:</b>	There are no health and wellbeing implications arising from the contents of this report.

## Surjit Tour

Director of Law and Governance and Monitoring Officer

