



Councillor leave of absence

Report Author:	Edd de Coverly , Chief Executive 01664 502536 edecoverly@melton.gov.uk
Chief Officer Responsible:	Edd de Coverly , Chief Executive 01664 502536 edecoverly@melton.gov.uk
Lead Member/Relevant Portfolio Holder	Councillor Pip Allnatt - Leader of the Council & Portfolio Holder for Housing, Leisure and Landlord Services

Corporate Priority:	All
Relevant Ward Member(s):	N/A
Date of consultation with Ward Member(s):	N/A
Exempt Information:	No

1 Summary

- 1.1 To determine whether to grant a dispensation in order to allow a Councillor to remain a member of the Authority in the event of the non-attendance at a meeting of the Authority for a period of six consecutive months.

2 Recommendations

That Council:

- 2.1 **Approves Councillor Christopher Evans’s non-attendance at meetings of the Authority on medical grounds up to and including 16 May 2025 in accordance with Section 85(1) of the Local Government Act 1972.**

3 Reason for Recommendations

- 3.1 Unless the Authority has approved a leave of absence, in advance of a failure to attend any meeting of the Authority throughout a period of six months (from the date of last attendance), that Member would cease to be a member of the Authority pursuant to Section 85(1) of the Local Government Act 1972.

4 Background

- 4.1 Due to medical leave, Councillor Evans last attended a meeting of Melton Borough Council at Full Council on 16 May 2024. If Councillor Evans did not attend any further meetings, on 17 November 2024, he would not have attended a meeting for six consecutive months.

5 Main Considerations

- 5.1 Section 85(1) of the Local Government Act states that if a member does not attend any meeting of the Authority for a period of six months from the date of their last attendance at a meeting, they automatically cease to be a member of that Authority. The only exception to this is if the failure to attend was due to some reason approved by the Authority before the expiry of the six-month period.
- 5.2 Only Full Council can approve a reason and authorise an extension to the six-month period. In doing so, it must consider both the request for an extension and then decide by resolution whether to approve that request.
- 5.3 Councillor Evans last attended a meeting on 16 May 2024 at a Full Council meeting. This means that if he was to not attend a meeting before 17 November 2024, he would automatically (with no discretion available) cease to be a member, unless the reason for failure was approved by the Authority before this date.
- 5.4 If a member is disqualified by this provision, they cannot participate as a member of the Authority.
- 5.5 Councillor Evans has been unable to attend any meetings after 16 May 2024 due to medical reasons.
- 5.6 It is recommended therefore that an extension of six months (on top of the six months provided by law) be approved which would expire on 17 May 2025.
- 5.7 The next Council meeting after 19 September 2024, is scheduled for 5 December 2024 at which point it would be too late to make a decision and Councillor Evans would cease to be a member before. It is therefore necessary for this matter to be considered as an urgent item at the meeting on 19 September 2024.
- 5.8 There is no issue should the extension be approved, and Councillor Evans is able to attend a meeting before this date.

6 Options Considered

- 6.1 Not to grant a dispensation. This would mean that unless Councillor Evans attended a meeting before 17 November 2024, he would cease to be a member of the authority.
- 6.2 Grant a dispensation for a different length of time.

7 Consultation

- 7.1 Consultation has been undertaken with Councillor Evans and he has indicated that due to medical leave, he cannot guarantee that he would be able to attend a meeting before 17 November 2024 and therefore requests his absence be approved and the time extended.

8 Next Steps – Implementation and Communication

- 8.1 There are no next steps, the dispensation would allow Councillor Evans to remain a Councillor in the event that he is unable to attend a meeting within the six-month period starting on 16 November 2024.

9 Financial Implications

9.1 There are no financial implications to this report.

Financial Implications reviewed by: Assistant Director for Resources – 18/09/2024

10 Legal and Governance Implications

10.1 Section 85(1) of the Local Government Act 1972 states the following:

“... 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.”

10.2 The implications of Council either accepting or refusing the extension are set out in the body of this report.

10.3 A decision to extend the period can only be made before the expiry of that period and there is no discretion to approve an extension after the expiry of the six months.

10.4 If a decision is not made before the expiry or the request is refused, and Councillor Evans does not attend a meeting before that expiry, he shall automatically cease to be a member of the Authority.

Legal Implications reviewed by: Deputy Monitoring Officer – 18/09/2024

11 Equality and Safeguarding Implications

11.1 There are no equalities implications arising from this report.

12 Data Protection Implications (Mandatory)

A Data Protection Impact Assessments (DPIA) has not been completed for because there are no risks/issues to the rights and freedoms of natural persons.

13 Community Safety Implications

13.1 There are no Community Safety Implications arising from this report.

14 Environmental and Climate Change Implications

14.1 There are no environmental or climate change implications arising from this report.

15 Other Implications (where significant)

15.1 There are no other implications arising from this report.

16 Risk & Mitigation

Risk No	Risk Description	Likelihood	Impact	Risk
1	Failure to follow the correct process in relation to Section 85 of the Local Government Act	Low	Marginal	Low Risk

		Impact / Consequences			
		Negligible	Marginal	Critical	Catastrophic
Likelihood	Score/ definition	1	2	3	4
	6 Very High				
	5 High				
	4 Significant				
	3 Low		1		
	2 Very Low				
	1 Almost impossible				

Risk No	Mitigation
1	The requirements of the legislation are set out above and council has a choice as to whether to authorise the dispensation as set out within the report.

17 Background Papers.

17.1 None

18 Appendices

18.1 None