

COUNCIL – 14 JULY 2020

PART I – DELEGATED

3a. **COUNCILLOR REQUEST FOR EXTENDED LEAVE OF ABSENCE (CED)**

1. **Summary**

1.1 Council are asked to agree a formal request from Councillor Sara Bedford for approval of an extended leave of absence in order that she is not disqualified by virtue of non-attendance within a six month period.

2. **Details**

2.1 Section 85 of the Local Government Act 1972 (“the Act”) 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 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 that Authority.

2.2 Council can only consider approval of any reasons for non-attendance before the end of the relevant six-month period, which will be 14 January 2021.

2.3 She has advised that she wishes to take time away from Council meeting duties. In order to do so Council will need to grant an extended leave of absence.

3. **Options/Reasons for Recommendation**

3.1 Should Councillor Sara Bedford be able to return to Councillor meeting duties before the six month period there is nothing preventing her from resuming attendance at meetings before the expiry of any approved extended time period. This does not include any Special Responsibility Appointments as they are made by Council.

3.2 Consideration of this issue is being brought to Council at this time in the interest of good governance and transparency. Any approved extended leave of absence would provide Councillor Bedford with the opportunity to return and resume her Council meeting duties.

3.3 Once any Councillor loses office, through failure to attend the six months period, the disqualification cannot be overcome by the Councillor subsequently resuming attendance nor can retrospective approval of Council be sought.

3.4 It is proposed that the time limit for non-attendance at Council meetings by Councillor Bedford be agreed until 14 January 2021.

4. **Policy and Budget Implications**

4.1 There are none.

5. **Environmental, Community Safety, Public Health, Customer Services Centre, Communications & Website, Risk Management and Health & Safety Implications**

5.1 None specific.

6. **Financial Implications**

6.1 Councillor Sara Bedford is entitled to receive the basic Member Allowance (£5,111) in accordance with the Members’ Allowance Scheme. The Member allowance is paid on a monthly basis to all District Councillors and would continue until the next review date of 14 January 2021 if the leave of absence is agreed.

7. **Legal Implications**

7.1 Contained within the body of the report.

8. **Equal Opportunities Implications**

Relevance Test

Has a relevance test been completed for Equality Impact?	
Did the relevance test conclude a full impact assessment was required?	

8.1 Impact Assessment

No Impact Assessment required.

9. **Staffing Implications**

9.1 Need to think about this with the support in the Committee Team will this continue.

10. **Risk and Health & Safety Implications**

10.1 The Council has agreed its risk management strategy which can be found on the website at <http://www.threerivers.gov.uk>. In addition, the risks of the proposals in the report have also been assessed against the Council's duties under Health and Safety legislation relating to employees, visitors and persons affected by our operations. The risk management implications of this report are detailed below.

10.2 The subject of this report is not covered by the Council's corporate plan. Any risks resulting from this report will be included in the risk register and, if necessary, managed within this plan.

Nature of Risk	Consequence	Suggested Control Measures	Response <i>(tolerate, treat, terminate, transfer)</i>	Risk Rating <i>(combination of likelihood and impact)</i>
Not approving the extended leave of absence	Councillor not able to continue as a Councillor	Legal action by the Councillor??	Treat	2

10.3 The above risks are scored using the matrix below. The Council has determined its aversion to risk and is prepared to tolerate risks where the combination of impact and likelihood scores 6 or less.

Likelihood	Low	High	Very High	Very High
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	4	8	12	16
	Low 3	Medium 6	High 9	Very High 12
	Low 2	Low 4	Medium 6	High 8
	Low 1	Low 2	Low 3	Low 4
	Impact			
	Low -----> Unacceptable			

Impact Score

4 (Catastrophic)

3 (Critical)

2 (Significant)

1 (Marginal)

Likelihood Score

4 (Very Likely (≥80%))

3 (Likely (21-79%))

2 (Unlikely (6-20%))

1 (Remote (≤5%))

10.4 In the officers' opinion none of the new risks above, were they to come about, would seriously prejudice the achievement of the Strategic Plan and are therefore operational risks. The effectiveness of the management of operational risks is reviewed by the Audit Committee annually.

11. Recommendation

11.1 That approval is given for leave of absence until 14 January 2021 for Councillor Sara Bedford.

Report prepared by: Sarah Haythorpe, Principal Committee Manager

Data Quality

Data sources:

Section 85 of the Local Government Act 1972

Data checked by:

Anne Morgan, Solicitor to the Council

1	Poor	
2	Sufficient	√
3	High	

Background Papers

Policy and Resources Committee – register of attendance

Section 85 of the Local Government Act 1972

APPENDICES / ATTACHMENTS

None