

Decision Maker: General Purposes and Licensing Committee

Date: 11th July 2023

Decision Type: Non-Urgent Non-Executive Non-Key

Title: REQUEST FOR WAIVER OF SIX MONTH ATTENDANCE RULE

Contact Officer: Graham Walton, Democratic Services Manager
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Chief Officer: Tasnim Shawkat, Director of Corporate Services and Governance

Ward: All

1. Reason for decision/report and options

- 1.1 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, in order to avoid being disqualified as a Councillor. This 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. Councillor Jonathan Laidlaw is currently unwell and not expected to return to his duties as a councillor for some time.

2. **RECOMMENDATION**

General Purposes and Licensing Committee is requested to consider whether to recommend to Council that a waiver of the six month attendance requirement be granted to Councillor Jonathan Laidlaw, to extend his absence by up to a further six months to 10th May 2024.

Impact on Vulnerable Adults and Children

1. Summary of Impact: Not Applicable
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Transformation Policy

1. Policy Status: Existing Policy: Further Details
 2. Making Bromley Even Better Priority:
(5) To manage our resources well, providing value for money, and efficient and effective services for Bromley's residents.
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Financial

1. Cost of proposal: No Cost
 2. Ongoing costs: Not Applicable:
 3. Budget head/performance centre: Democratic Services
 4. Total current budget for this head: £1,607k
 5. Source of funding: Revenue Budget
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Personnel

1. Number of staff (*current and additional*): Not Applicable
 2. If from existing staff resources, number of staff hours: Not Applicable
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Legal

1. Legal Requirement: None
 2. Call-in: Not Applicable: This report does not involve an executive decision
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Procurement

1. Summary of Procurement Implications: Not Applicable
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Property

1. Summary of Property Implications: Not Applicable
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Carbon Reduction and Social Value

1. Summary of Carbon Reduction/Sustainability Implications: Not Applicable
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Impact on the Local Economy

1. Summary of Local Economy Implications: Not Applicable
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Impact on Health and Wellbeing

1. Summary of Health and Wellbeing Implications: Not Applicable
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Customer Impact

1. Estimated number of users or customers (*current and projected*): Not Applicable
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? No
2. Summary of Ward Councillors comments: Not Applicable

3. COMMENTARY

- 3.1 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 any six month consecutive period, in order to avoid being disqualified as a Councillor. The Act enables a Local Authority to approve the reason(s) for non-attendance of a Member at any meeting of the Authority throughout a period of six consecutive months, provided that approval is given by the Authority before the expiry of the six month period. Once any councillor loses 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.
- 3.2 Councillor Jonathan Laidlaw, ward member for Bromley Common and Holwood, last attended a Council or Committee meeting on 10th May 2023 (the annual Council meeting) and will be disqualified if he is not able to attend a formal meeting before 10th November 2023. Unfortunately, Councillor Laidlaw is currently unwell and unable to attend any meetings and a request has been made to grant a waiver enabling him to remain in office until he is recovered and is able to resume normal duties. It is proposed that this will be for up to six months after he would face disqualification – until 10th May 2024.

4. LEGAL IMPLICATIONS

- 4.1 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, in order to avoid being disqualified as a Councillor. This requirement can be waived and the time limit extended if any failure to attend was due to a reason approved by the Authority. This must be agreed in advance of the six month period expiring.

Non-Applicable Headings:	Impact on Vulnerable Adults and Children/Policy/Finance/Personnel/Procurement/Property/Carbon Reduction/Local Economy/Health & Wellbeing/Customers/Ward Councillors
Background Documents: (Access via Contact Officer)	None