

# Arun District Council

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| <b>REPORT TO:</b>   | <b>Full Council – 9 May 2024</b>                                     |
| <b>SUBJECT:</b>   | <b>Local Government Act 1972 Section 85(1) – Approval of Absence</b> |
| <b>LEAD OFFICER:</b>  | <b>Daniel Bainbridge, Group Head of Law and Governance</b>           |
| <b>LEAD MEMBER:</b>   | <b>Councillor Matt Stanley, Leader of the Council</b>                |
| <b>WARDS:</b>   | <b>All</b>   |
| <b>CORPORATE PRIORITY / POLICY CONTEXT / CORPORATE VISION:</b> None specifically in the context of this report. |  |
| <b>DIRECTORATE POLICY CONTEXT:</b> None specifically in the context of this report.                             |  |
| <b>FINANCIAL SUMMARY:</b> There are no financial implications associated with this report.                      |  |

**Reasons for urgency:** The special circumstances for non-compliance with Access to Information Procedure Rules Part 6 Section 1 Paragraph 5.1 and Section 100B(4) of the Local Government Act 1972 (items not to be considered unless open to inspection at least 5 days before the meeting) are that:-

- If this matter is not considered as an urgent item, Councillor Harty may cease to be a member of the Council by virtue of the requirement to attend a meeting within the six-month period described within this report.

## 1. PURPOSE OF REPORT

- 1.1 For Full Council to approve a reason for the non-attendance of Councillor Tom Harty.

## 2. RECOMMENDATION

It is recommended that in the event that Councillor Tom Harty is unable to attend a meeting of the authority before the Full Council meeting on 15 May 2024, approval is given to the absence for reason of ill-health of a family member for a period until and including 6 November 2024.

### **3. EXECUTIVE SUMMARY**

3.1 Councillor Harty has been unable to attend a meeting of the Council in recent months due to the illness of a close family member. Councillor Harty attended the Special Meeting of the Council held on 29 November 2023, which is the last date on which he attended a meeting related to the discharge of the Council's functions.

### **4. DETAIL**

4.1 Due to the reason set out at paragraph 3.1 of this report, Councillor Harty has been unable to attend a meeting of the Council since 29 November 2023. Under Section 85 of the Local Government Act 1972, if a Councillor does not attend any relevant meeting for a period of six months, they automatically cease to be a member of the Council unless before the expiry of that period the authority has approved the reason for that absence.

4.2 The Council is required to consider this matter prior to the expiry of the six-month period on 29 May 2024.

4.3 It is not currently possible at this stage to say whether Councillor Harty will be able to attend any meetings in person within the near future so Full Council is asked to agree that if he is unable for the reasons set out in paragraph 3.1 to attend another meeting between now and the Full Council meeting on 6 November 2024, such absence will be authorised.

4.4 It is noted that whilst Councillor Harty will attend meetings wherever possible, in the event this is not possible this approval will come into force.

### **5. CONSULTATION**

5.1 Group Leaders have been made aware of the report ahead of its publication.

### **6. OPTIONS / ALTERNATIVES CONSIDERED**

6.1 It is the responsibility of the Council to consider this matter and agree the reason for absence.

### **7. COMMENTS BY THE GROUP HEAD OF FINANCE/SECTION 151 OFFICER**

7.1 There are no financial implications associated with this report.

### **8. RISK ASSESSMENT CONSIDERATIONS**

8.1 There are no such implications.

**9. COMMENTS OF THE GROUP HEAD OF LAW AND GOVERNANCE & MONITORING OFFICER**

9.1 Section 85(1) of the Local Government Act 1972 (LGA) prescribes: “....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. HUMAN RESOURCES IMPACT**

10.1 Councillor Harty and his Group Leader have been appraised of the position detailed in this report.

**11. HEALTH & SAFETY IMPACT**

11.1 There are no such implications.

**12. PROPERTY & ESTATES IMPACT**

12.1 There are no such implications.

**13. EQUALITIES IMPACT ASSESSMENT (EIA) / SOCIAL VALUE**

13.1 There are no such implications.

**14. CLIMATE CHANGE & ENVIRONMENTAL IMPACT/SOCIAL VALUE**

14.1 There are no such implications.

**15. CRIME AND DISORDER REDUCTION IMPACT**

15.1 There are no such implications.

**16. HUMAN RIGHTS IMPACT**

16.1 There are no such implications.

**17. FREEDOM OF INFORMATION / DATA PROTECTION CONSIDERATIONS**

17.1 There are no such implications.

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**CONTACT OFFICER:**

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**BACKGROUND DOCUMENTS:** None