

SLOUGH BOROUGH COUNCIL

REPORT TO: Council

DATE: 24th September 2020

CONTACT OFFICER: Sushil Thobhani, Service Lead, Governance
(For all enquiries) 07542 229125

WARD(S): All

PART I **FOR DECISION**

DISPENSATION UNDER SECTION 85 LOCAL GOVERNMENT ACT 1972

1 Purpose of Report

To request the Council to approve Councillor Sarfraz exercising her rights to parental leave under the Council's Parental Leave Policy adopted by the Council on 16 May 2019 as a reason for her failure to attend any meetings of the Council during the requisite period for the purposes of Section 85 of the Local Government Act 1972.

2. Recommendation

The Council is requested to resolve that failure by Councillor Suniya Sarfraz to attend any meetings of the Council during the period that she is exercising her rights under the Council's Parental Leave Policy adopted by the Council on 16 May 2019 be approved as a reason for such failure for the purposes of Section 85 of the Local Government Act 1972.

3 Community Strategy Priorities

Effective, transparent and democratic decision making processes are an essential pre-requisite to the delivery of all the Council's priorities.

4. Other Implications

- 4.1 The proposals have no workforce implications. The exercise of rights under the Parental Leave Policy has the potential to engage the right to respect for private and family life contained in Article 8 of the European Convention on Human Rights which is given effect to in domestic law by the Human Rights Act 1998.
- 4.2 Financial – All members shall continue to receive their Basic Allowance and, if applicable, Special Responsibility Allowance (SRA) in full whilst on maternity, paternity, shared parental or adoption leave.
- 4.3 Where a replacement is appointed to cover the period of absence that person shall receive an SRA on a pro-rata basis for the period of the temporary appointment. Councillor Mohammad was appointed as Vice-Chair of the Overview and Scrutiny Committee, at its meeting held on 11 June 2020, to replace Councillor Sarfraz whilst on maternity leave.
- 4.4 Legal - 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 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.'

5. **Supporting Information**

- 5.1 Any member of a local authority who fails to attend any meeting of the authority for a period of six months ceases to be a member of that authority unless the Council approves the reason for such failure before the expiry of that period of six months.
- 5.2 At its meeting in May 2019, Council approved a Parental Leave Policy (PLP) for Councillors. The PLP entitles Members of the Council to take maternity, paternity, shared parental and adoption leave from their duties as Councillors.
- 5.3 Article 2 of the Constitution, paragraph 3(b) was amended to include a new sub-clause (iv) in the following terms:

“ (iv)Members will not fail to attend any meeting of the Council without a valid reason. Absence during a period when a Member is exercising an entitlement to maternity leave, paternity leave, joint parental leave or adoption leave in accordance with a policy approved by the Council for such purposes shall be deemed to be absent for a valid reason during such period.”

- 5.4 At its meeting in July 2020, Council resolved that failure by Councillor Sarfraz to attend any meeting of the Council before 12 November 2020, as a result of her exercising her rights under the Parental Leave Policy adopted by the Council on 16 May 2019, be an approved reason for the purposes of Section 85 of the Local Government Act 1972. In default of such resolution Councillor Sarfraz would have been required to attend a meeting before 20 August 2020 as her last attendance at a meeting was on 20 February 2020.
- 5.5 Councillor Sarfraz has indicated that she intends to resume her duties after 12 November 2020. Under the Parental Leave Policy Councillor Sarfraz is entitled to extend her initial six month period of parental leave for a period of up to 52 weeks. There is therefore a necessity to extend the dispensation afforded to her by the resolution of the Council in July. This report, therefore, seeks to extend the dispensation previously agreed to cover the entire period during which Councillor Sarfraz is exercising her right to parental leave to ensure that there is no inadvertent vacation of her office as a Councillor under Section 85 of the Local Government Act 1972.

6. **Background Papers**

None.