

**FLINTSHIRE COUNTY COUNCIL**

<b>Date of Meeting</b>	Tuesday 28 <sup>th</sup> September 2021
<b>Report Subject</b>	Support for Members who are unable to attend meetings due to ill-health
<b>Report Author</b>	Chief Officer (Governance)

**EXECUTIVE SUMMARY**

Sometimes, for health or personal reasons, Members are unable to attend meetings for a while. Member may recall that absence from meetings for a protracted period is covered by Section 85 of the Local Government Act 1972: reports have been made to Council previously, from time to time. Individual absence must be recognised and approved before six months absence has elapsed.

The purpose of the statutory provision is to give the Council the choice to offer support to Members who have been unable to attend meetings. If Council is satisfied that one of their number has been unable to attend for good reason, it can approve the absence. This is technically called a dispensation under section 85(1) of the Local Government Act 1972

There are currently two Members of the Council who have been unable to attend meetings for some time: the purpose of this report is to consider excusing their continued absence on compassionate grounds. The statutory officers have been in contact with both Members.

Council is also reminded that the Constitution & Democratic Services Committee decided some time ago that the Carefirst Employee Information and Counselling service, a 24 hours a day, 7 days a week confidential service should be made available to Members. It is appropriate that the details now be recirculated.

**RECOMMENDATIONS**

1	That Council approves, on compassionate grounds, the continued absence of two Members from meetings due to their ill-health.
2	That Council notes that the Head of Democratic Services will be recirculating details of the Carefirst Employee Information and Counselling service to all Members.

## **REPORT DETAILS**

<b>1.00</b>	<b>EXPLAINING THE DISPENSATION UNDER SECTION 85(1) OF THE LOCAL GOVERNMENT ACT 1972</b>
1.01	Council will be aware that under Section 85 of the Local Government Act 1972 members must attend at least one meeting every six months (“The Six Months rule”). If a member is unable to do so then their seat is declared vacant and a by election is arranged.
1.02	The statutory provision also gives the Council power to suspend the rule, provided it does so before the 6 months has expired. If Council is satisfied that one of their number has been unable to attend for good reason, it can excuse their continued absence. Members will recall that reports similar to this have been required previously, from time to time.
1.03	Councillors Bernie Attridge and Rita Johnson have been unable to attend meetings since May due to ill health and convalescence. Whilst some Members may be aware of the details of the illness of their colleagues, it is not appropriate to give any details in a public report. Council is therefore asked to consider excusing their absence under the Act.
1.04	We recognise that Members who are unable to attend through health or personal reasons should be offered support. As Council is aware, Members are not employees, and so it does not have the same legal ‘employer’s duty of care’ as it does for the employed workforce. However, Members of the Council are elected to represent the people in their wards, and we give assistance to them to do so. Supporting Members through illness and life changing events is a significant element of that assistance, and officers have been in touch with each member.
1.05	The Council has an Employee Information and Counselling Service, which is called Carefirst. This service is available, on a confidential basis, 24 hours a day and 7 days a week. In June 2018, Constitution & Democratic services Committee agreed that this service should also be made available to Members. Details were circulated to Members by the Head of Democratic Services at the time and will be recirculated.

<b>2.00</b>	<b>RESOURCE IMPLICATIONS</b>
2.01	None

<b>3.00</b>	<b>CONSULTATIONS REQUIRED / CARRIED OUT</b>
3.01	The Chair and Leader of Council have both been consulted on this issue.

<b>4.00</b>	<b>RISK MANAGEMENT</b>
4.01	Not applicable

<b>5.00</b>	<b>APPENDICES</b>
5.01	None

<b>6.00</b>	<b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>
6.01	<p>Report of the Head of Democratic Services and the Senior Manager, Human Resources and Organisational Development: <i>Extending the Carefirst Scheme to County Councillors</i> , 21<sup>st</sup> June 2018 (Link below)  <a href="http://modgov:9070/documents/g4343/Public%20reports%20pack%2021st-Jun-2018%2014.00%20Constitution%20and%20Democratic%20Services%20Committee.pdf?T=10">http://modgov:9070/documents/g4343/Public%20reports%20pack%2021st-Jun-2018%2014.00%20Constitution%20and%20Democratic%20Services%20Committee.pdf?T=10</a></p> <p>and resultant minute (Link below).</p> <p><a href="http://modgov:9070/documents/g4343/Printed%20minutes%2021st-Jun-2018%2014.00%20Constitution%20and%20Democratic%20Services%20Committee.pdf?T=1">http://modgov:9070/documents/g4343/Printed%20minutes%2021st-Jun-2018%2014.00%20Constitution%20and%20Democratic%20Services%20Committee.pdf?T=1</a></p> <p><b>Contact Officer:</b> Robert Robins, Head of Democratic Services  <b>Telephone:</b> 01352 702320  <b>E-mail:</b> <a href="mailto:robert.robins@flintshire.gov.uk">robert.robins@flintshire.gov.uk</a></p>

<b>7.00</b>	<b>GLOSSARY OF TERMS</b>
7.01	None