

Slough Borough Council

Report to: Annual Council

Date: 15 May 2025

Subject: Local Government Act 1972 (Section 85) – Request for Dispensation

Chief Officer: Sukdave Ghuman, Director of Law and Governance (Monitoring Officer)

Contact Officer: Ben Bix, Head of Democratic Services and Scrutiny (Interim)

Ward(s): Manor Park & Stoke

Exempt: No

Appendices: None

1. Purpose of Report

Council is asked to resolve that failure by Councillor Jamila Sabah to attend any meetings of the Council during the period of maternity leave be an approved reason for the purposes of Section 85 of the Local Government Act 1972.

2. Recommendation

That Council resolves that failure by Councillor Jamila Sabah to attend any meetings of the Council before 15 May 2026, as a result of her being on maternity leave, be an approved reason for the purposes of Section 85 of the Local Government Act 1972 (Failure to Attend Meetings).

3. Reason for Recommendation

Elected councillors are not employees and therefore have no legal right to maternity leave or pay, however local authorities are encouraged to adopt policies that provide flexibility for councillors in relation to maternity, paternity, adoption and parental leave. Councillor Jamila Sabah is currently on maternity leave and wishes to request an exemption to attend formal meetings of the Council and its committees for a period of 12 months (15 May 2026).

Commissioner Review

This report is outside the scope for pre-publication commissioner review; please check the [Commissioners' instruction 5 to CLT to sign off papers](#) for further details.

4. Report

Supporting Information

- 4.1 Section 85 of the Local Government Act 1972, states that 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.
- 4.2 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 without losing their allowances.
- 4.3 Councillor Jamila Sabah attended a full meeting of the Council on 28 November 2024. Accordingly, Councillor Jamila Sabah is required to attend a formal meeting of the Council or its committees prior to 28 May 2025 or receive approval from Full Council to avoid ceasing to be a member.
- 4.4 However, Councillor Jamila Sabah gave notice, in accordance with the Council's Parental Leave Policy, that she intended to take a period of twelve months maternity leave. The Council is requested to resolve that failure by Councillor Sabah to attend any meeting of the Council before 15 May 2026, 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.

5. Implications

Financial Implications

- 5.1 As set out in Part 6 of the Constitution, Members Allowance Scheme, Councillor Jamila Sabah would continue to receive an annual basic allowance of £9,469. Provision for payment to Councillor Sabah is contained within the Members Allowance budget.

Legal implications

- 5.2 Section 85 of 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.' Attendance at a committee or sub-committee or joint committee or as representative of the authority at a meeting of a joint board or body shall be deemed as attendance at a meeting of the authority. There are no statutory exemptions on the grounds of maternity leave. However the former Minister for Local Government wrote to authorities in March 2024 encouraging them to consider the provisions of S.85 as a means of providing flexibility to those councillors who may need to care for their children. The ability of the Council to approve a period of absence gives discretion to allow longer periods of absence as needed by members with children, with no loss of their basic allowance or, if relevant, a special responsibility allowance, as long as the request is approved before the end of the six month absence period.

5.3 Workforce Implications

The proposal has no workforce implications.

6. Background Papers

None