



COUNCIL

6 SEPTEMBER 2021

REPORT TITLE:	SIX MONTH ATTENDANCE RULE S85 (1) OF THE LOCAL GOVERNMENT ACT 1972
REPORT OF:	THE DIRECTOR OF LAW AND GOVERNANCE

REPORT SUMMARY

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, unless permission for the absence is granted by the Authority in advance, in order to avoid being disqualified as a Councillor. Without advance permission to be absent, loss of office is automatic and permission cannot be granted retrospectively.

The report requests that Councillor Andrew Corkhill is granted permission to be absent from Council meetings for the remainder of the 2021/22 municipal year.

RECOMMENDATION/S

It is recommended that:

The absence of Councillor Andy Corkhill from all Council and Committee Meetings be authorised and approved for the remainder of the 2021/22 municipal year, pursuant to Section 85 (1) of the Local Government Act 1972

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 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, unless permission for the absence is granted by the Authority in advance, in order to avoid being disqualified as a Councillor. Councillor Andrew Corkhill has been unable to attend meetings due to ill health.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 The proposal in this report is made to avoid Councillor Andrew Corkhill being disqualified from office for non-attendance during a period of ill health. Agreeing to the waiver over a different time period other than until the end of the 2021/22 Municipal Year is an option that Members may wish to consider.

3.0 BACKGROUND INFORMATION

- 3.1 Section 85(1) of the Local Government Act 1972 ('Vacation of office by failure to attend meetings') requires that, if a member of a local authority fails to attend any meeting of the authority throughout a period of six consecutive months from the date of their last attendance at a meeting, they 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.
- 3.2 Attendance in an official capacity at a relevant meeting of the Council is defined as attendance at Cabinet, a Committee or a Sub-Committee of the Council or at any meeting of a joint Committee or other such body discharging functions of the Council or at any meeting as a representative of the Council is deemed to be a meeting of the Council.
- 3.3 On 20 July 2020 Council authorised the absence of all Members of the Council for the period that the provisions of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 were in force or until the Annual Meeting of Council 2021 due to the fact that some Council and Committee meetings had to be cancelled as a result of the Coronavirus emergency and it was recognised that several Members may be required to self-isolate, some for long periods, due to illness.
- 3.4 In May 2021 the regulations allowing meetings to take place virtually came to an end and meetings have reverted to taking place in person. However, due to the ongoing nature of the pandemic it should be recognised that some Members may be required to continue to take additional precautions to protect their health and this will, perhaps, exclude some Members from attending meetings that they might otherwise have attended.

4.0 FINANCIAL IMPLICATIONS

4.1 There are no significant financial implications arising from this report.

5.0 LEGAL IMPLICATIONS

5.1 If the recommendation set out in this report is not approved Councillor Andrew Corkhill would become disqualified due to the six month non attendance rule if he is unable to attend a meeting before 5 November 2021. Approval of continuing absence is allowed under Section 85 (1) of the Local Government Act 1972.

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

6.1 There are no resource implications arising from this report.

7.0 RELEVANT RISKS

7.1 If the Council does not approve the recommendation set out in this report some Members may become automatically disqualified. This will mean that some electors will be under-represented as there cannot be any by elections before May 2021.

8.0 ENGAGEMENT/CONSULTATION

8.1 The Leader of Cllr Corkhill's Political Group has consulted other Group Leaders on the proposal to approve a period of absence from meetings for Cllr Corkhill pursuant to section 85 of the Local Government Act 1972.

9.0 EQUALITY IMPLICATIONS

9.1 Any Equality Implications are addressed in section 1.1 of the report and the recommendation.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

10.1 There are no environment and climate change implications arising from this report.

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APPENDICES

None

BACKGROUND PAPERS

Local Government Act 1972

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Council	20 July 2020