

Allerdale Borough Council

Council – 19 September 2018

**Waiver of six month councillor attendance rule (section 85 of the Local Government Act 1972)**

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<b>The Reason for the Decision</b>	For Council to consider whether to approve a reason for the non-attendance of Councillor Duncan Fairbairn.
<b>Summary of options considered</b>	Whether to approve or not to approve a reason for non-attendance.
<b>Recommendations</b>	That Council considers the request to extend Councillor Duncan Fairbairn's period of office beyond the six month period of non-attendance provided for within section 85(1) of the Local Government Act 1972 on the grounds of ill health and extends the period until the end of his term of office, to expire on 6 May 2019.
<b>Financial / Resource Implications</b>	None arising from this report.
<b>Legal / Governance Implications</b>	Section 85(1) 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".
<b>Community Safety Implications</b>	None arising from this report.
<b>Health and Safety and Risk Management Implications</b>	None arising from this report.
<b>Equality Duty considered / Impact Assessment completed</b>	Equality duty has been considered and it is felt there are no issues arising from this report
<b>Wards Affected</b>	Warnell
<b>The contribution this decision would</b>	N/A

## make to the Council's priorities

<b>Is this a Key Decision</b>	No
<b>Portfolio Holder</b>	Councillor Joan Ellis
<b>Lead Officer</b>	Gayle Roach Democratic and Support Services Manager 01900 702502 Gayle.roach@allerdale.gov.uk

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### Report Implications

Community Safety	N	Financial	N
Legal	Y	Partnership	N
Social Inclusion	N	Asset Management	N
Equality Duty	N	Health and Safety	N
Employment (internal)	N	Employment (external to the Council)	N

### Background Papers -

Local Government Act 1972

Knowles on Local Authority Meetings

#### 1.0 Introduction

- 1.1 Section 85(1) of the Local Government Act 1972 sets out that if a councillor does not attend any meeting within a six month period, he will cease to be a member of the authority. This requirement can be waived and the time limit extended if any failure to attend was due to a reason approved by the Council, in advance of the six month period expiring.
- 1.2 Due to serious ill health Councillor Duncan Fairbairn has been unable to attend any meetings since Council on 20 September 2017.
- 1.3 On 7 March 2018, in accordance with Section 85(1), Council resolved to extend the period of non-attendance for Councillor D Fairbairn on the grounds of ill health beyond the six months, to expire on 20 September 2018.
- 1.4 Unfortunately as Councillor Fairbairn's health has not improved during this time for him to resume his normal council duties a request has therefore been made for a further extension of the six month rule, which must be approved by Council before the period expires on 20 September 2018. The request is to extend his period of non-attendance until the end of his term of office, to expire on 6 May 2019.

1.5 If Council does not approve the reason for non-attendance and therefore does not agree to extend the non-attendance period, Councillor Duncan Fairbairn will cease to be a member of Allerdale Borough Council after 20 September 2018.

## **2.0 Recommendations**

2.1 That Council considers the request to extend Councillor Duncan Fairbairn's period of office beyond the six month period of non-attendance provided for within section 85(1) of the Local Government Act 1972 on the grounds of ill-health and extends the period until the end of his term of office, to expire on 6 May 2019.

**Gayle Roach**  
**Democratic and Support Services Manager**