

Allerdale Borough Council

Council – 7 March 2018

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

The Reason for the Decision	For the Council to consider whether to approve a reason for the non-attendance of Councillor Duncan Fairbairn.
Summary of options considered	Whether to approve or not to approve a reason for non-attendance.
Recommendations	That the 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 for a further six months, to expire on 20 September 2018.
Financial / Resource Implications	None arising from this report.
Legal / Governance Implications	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".
Community Safety Implications	None arising from this report.
Health and Safety and Risk Management Implications	None arising from this report.
Equality Duty considered / Impact Assessment completed	N/A
Wards Affected	Warnell
The contribution this decision would make to the Council's priorities	N/A

Is this a Key Decision	No
Portfolio Holder	Councillor Joan Ellis
Lead Officer	Dean Devine Democratic and Support Services Officer 01900 702502 dean.devine@allerdale.gov.uk

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 ill health and his ongoing recovery, Councillor Duncan Fairbairn has been unable to attend any meetings since Council on 20 September 2017. A request has therefore been made for an extension of the six month rule which must be approved by Council before the period expires on 20 March 2018.
- 1.3 If the 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 March 2018.

2.0 Recommendations

- 2.1 That the 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 for a further six months, to expire on 20 September 2018.

**Dean Devine
Democratic and Support Services Officer**