

Allerdale Borough Council

Council – 25 September 2019

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 John Colhoun at Council meetings.
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 John Colhoun'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 22 May 2020.
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	Ellen and Gilcrux
The contribution this decision would make to the Council's priorities	N/A

Is this a Key Decision	No
Portfolio Holder	Councillor John Cook
Lead Officer	Gayle Roach Democratic and Support Services Manager 01900 702502 Gayle.roach@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

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 John Colhoun has been unable to attend any meetings since Council on 22 May 2019. 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 22 November 2019.
- 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 John Colhoun will cease to be a member of Allerdale Borough Council after 22 November 2019.

2.0 Recommendations

- 2.1 That the Council considers the request to extend Councillor John Colhoun'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 22 May 2020.

Gayle Roach
Democratic and Support Services Manager