

**Councillor Michael Mumford****18 March 2020****Report of the Democratic Services Manager****PURPOSE OF REPORT**

To enable Council to consider approving Councillor Mumford's non-attendance at Council meetings for a periods of six months due to ill health.

**This report is public**

**RECOMMENDATIONS**

- (1) The Council is asked to approve Councillor Mumford's non-attendance at meetings of the authority due to ill health for a six month period up to 19 August 2020 pursuant to Section 85 (1) of the Local Government Act 1972.

**1.0 Introduction**

- 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, in order to avoid being disqualified as a Councillor. This requirement can be waived and the time limit extended if any failure to attend was due to a reason approved by the Authority, in advance of the six month period expiring.
- 1.2 Unfortunately, due to a serious illness Councillor Michael Mumford, Kellet Ward, has not been able to attend any Council or Committee meetings since the Council meeting on 25 September 2019. A formal request has therefore been made for an extension to the six month rule to be approved in his respect.

**2.0 Background**

- 2.1 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 their last attendance, to attend any meeting of the Authority they will, unless the failure was due to some good reason approved by the Authority before the expiry of that period, cease to be a member of the Authority." Attendance can be at any committee or sub-committee, or any joint committee, joint board or other body where the functions of the Authority

are discharged or who were appointed to advise the Authority on any matter relating to the discharge of their functions.

- 2.2 Councillor Mumford has not been able to attend any Council or Committee meetings since the Council meeting on 25 September 2019, due to a hospital admission and serious illness. The Democratic Services Manager has received a request for the Council to consider approving an extension to the usual six month attendance rule enabling him to remain in office until he is able to resume normal duties.
- 2.3 Council can only consider approval of any reasons for non-attendance before the end of the relevant six month period, which will be 25 March 2020. Councillor Mumford has confirmed that he will not be able to attend Council meetings for the foreseeable future and so this request has been submitted to approve an extension of the usual six month rule.
- 2.4 Councillor Mumford was elected to the Council in May 2019 and represents Kellet ward. In addition to full Council he also serves as a member of Council Business Committee and Planning Regulatory Committee. He is also a council representative on the Crook O'Lune Advisory Committee and Relate Lancashire – Lancaster District.

### **3.0 Proposal**

- 3.1 Section 85 (1) of the Local Government Act 1972 enables a Local Authority to approve the reason(s) for non-attendance of a Member at any meeting of the Authority throughout a period of six consecutive months, provided that approval is given by the Authority before the expiry of the six month period.
- 3.2 This is the final Council meeting at which approval could be sought for an extension of the time limit. If approval to any extension is not therefore agreed at this meeting Councillor Mumford would, under Section 85 (1) of the Local Government Act 1972 be disqualified after 19 February 2020 from office as a councillor.
- 3.3 Once any councillor loses office, through failure to attend for the six month period, the disqualification cannot be overcome by the councillor subsequently resuming attendance nor can retrospective approval of the Council be sought for an extension in time.

### **4.0 Conclusion**

- 4.1 The Council is asked to approve Councillor Mumford's non-attendance at meetings of the authority due to ill health for a six month period up to 25 September 2020 pursuant to Section 85 (1) of the Local Government Act 1972.

**CONCLUSION OF IMPACT ASSESSMENT**

(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

**LEGAL IMPLICATIONS**

These are set out in the report.

**FINANCIAL IMPLICATIONS**

There are no financial implications as a result of this report.

**OTHER RESOURCE IMPLICATIONS**

None.

**SECTION 151 OFFICER'S COMMENTS**

The Section 151 Officer has been consulted and has no comments.

**MONITORING OFFICER'S COMMENTS**

The Monitoring Officer has been consulted and has no comments.

**BACKGROUND PAPERS**

None

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**Ref:**