

**Six Month Attendance Rule
(Section 85 (1) of the Local Government Act 1972)**

28 April 2020

Report of the Democratic Services Manager

PURPOSE OF REPORT

To enable Council to consider extending the period of absence for any Councillor who is unable to attend meetings for a six-month period, for a further three-month period, for the reasons set out in the report.

This report is public

RECOMMENDATION

- (1) **That Council approves the following:**

During the period when remote meetings are necessary due to COVID-19 restrictions, any Councillor who becomes unable to attend meetings of the authority for six months, will automatically have their period of absence extended for a further three months by Council. This is 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 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.

2.0 Proposal

- 2.1 During the period when remote meetings are necessary due to COVID-19 restrictions and social distancing measures are in place, it may mean that a

Councillor – through no fault of their own, perhaps due to illness, equipment failure, internet connection problems or a mixture of all - finds themselves unable to attend a meeting for a period approaching six months. To avoid disqualification, Council is asked to pre-approve any Councillor for an automatic three-month extension of absence, immediately before they reach the six-month point. The reason for failure to attend would be recorded as circumstances arising from the COVID-19 pandemic.

- 2.2 It may not be necessary to use the provision for a three-month extension for any Councillor, should Council agree to it. However, it is considered a sensible precaution which will avoid unnecessary or unfair disqualification from office and may reassure Councillors in these special circumstances.

3.0 Conclusion

- 3.1 The Council is asked to approve the recommendation in this report. Council may, if it wishes, reduce or extend the period of extension. Three months is suggested as a guide for consideration.

CONCLUSION OF IMPACT ASSESSMENT (including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing) None.	
LEGAL IMPLICATIONS These are set out in the report.	
FINANCIAL IMPLICATIONS There are no financial implications as a result of this report. However, by-elections are a cost to the Council and the result of disqualification is the need for a by-election.	
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	Contact Officer: Debbie Chambers Telephone: 01524 582057 E-mail: dchambers@lancaster.gov.uk Ref: