

Public
Key Decision - /No

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter: Resolution to Extend Six-Month Rule – Section 85
Local Government Act 1972.

Meeting/Date: Council – 7 December 2021.

Report by: Managing Director.

Ward affected: St Neots Eatons.

Executive Summary:

The purpose of this report is to consider an extension of the six-month rule for Councillor D A Giles on the grounds of ill-health.

The Council is

RECOMMENDED

that, in accordance with Section 85 of the Local Government Act 1972, Council approves Councillor D A Giles non-attendance at meetings until the 9th May 2022 on the grounds of continued ill-health and the Council's best wishes be conveyed to him.

1. PURPOSE OF THE REPORT

- 1.1 Section 85 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 shall, cease to a member of the authority. The only exception is if their non-attendance has been approved by the authority before the expiry of that period.
- 1.2 Attendance can be at any committee or sub-committee, or at 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. Section 85 of the Act allows an authority to grant dispensation for such absence providing the dispensation is granted before the 6-month period of absence has expired.

2. WHY IS THIS REPORT NECESSARY

- 2.1 Councillor Derek Giles has been unable to attend meetings recently on ill-health grounds and is currently undergoing treatment. The last meeting Councillor Giles attended was the Council on 21 July 2021. Under the circumstances, it is requested that Council approve an extension of the six-month rule for Councillor Giles until the 9th May 2022 and the Council's best wishes be conveyed to him. This would not prevent Councillor Giles from returning to meetings at any time, if his health allowed, but would give flexibility and prevent further recourse to the Council.
- 2.2 District Council Elections are scheduled to be held on 5 May 2022. If Councillor Giles chose not to re-stand for re-election, he would cease to be a Councillor with effect from 9 May 2022, which the end of his current term of office.

3. KEY IMPACTS / RISKS

- 3.1 Councillor Giles' District Ward duties will continue to be undertaken by his ward colleagues.

4. LEGAL IMPLICATIONS

- 4.1 If an elected member fails to attend any meetings of the authority for a period of six months without the authority resolving during the period to excuse a particular member from missing a meeting in accordance with Section 85(1) of the Local Government Act 1972, the Council must formally declare the seat to be vacant.

5. RESOURCE IMPLICATIONS

- 5.1 None.

6. REASONS FOR THE RECOMMENDED DECISIONS

- 6.1 Owing to the continued ill-health of Councillor D A Giles it is requested that his non-attendance at meetings be approved until 9 May 2022.
- 6.2 District Council Elections are scheduled to be held on 5 May 2022. If Councillor Giles chose not to re-stand for re-election, he would cease to be a Councillor with effect from 9 May 2022.

7. BACKGROUND PAPERS

Local Government Act 1972

Councillor Attendance Records – Huntingdonshire District Council

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