WAIVER OF 6 MONTH COUNCILLOR ATTENDANCE RULE (SEC.85 LOCAL GOVERNMENT ACT 1972).

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.

Unfortunately, due to illness and ongoing recovery Councillor Michael Clark, Apsley and Corner Hall Ward, has not been able to attend any Council or Committee meetings since the Development Management Committee meeting on 16 November 2017. A formal request has therefore been made for a further extension to the six month rule to be approved in his respect.

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.

Councillor Clark has not been able to attend any Council or Committee meetings since the Development Management Committee meeting on 16 November 2017, due to his to illness and ongoing recovery. The Monitoring Officer 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.

Council can only consider approval of any reasons for non-attendance before the end of the relevant six month period, which will be 16 October 2018. Councillor Clark has confirmed that he will not able to attend Council meetings for the foreseeable future and so this request has been submitted to approve an extension of the usual six moth rule.

Councillor Clark was elected to the Council in May 2003 and represents the Apsley and Corner Hall Ward. In addition to full Council he also serves as a member of the Development Management Committee.

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 <u>before</u> the expiry of the six month period.

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.

The Council is asked to approve Councillor Clark's non-attendance at meetings of the authority due to ill health for a six month period up to 16 April 2019 pursuant to Section 85 (1) of the Local Government Act 1972.