

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.

Councillor Barry-Mears was elected to the Council on 2nd May 2019 and represents the Highfield Ward. In addition to Full Council she also serves as a member of the Housing and Community Overview and Scrutiny Committee and the Member Development Steering Group.

Councillor Barry-Mears is currently on maternity leave, effective from December 2021 (the last meeting attended was 1st December 2021). This request is therefore submitted to for extension to the six month rule.

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.

Council can only consider approval of any reasons for non-attendance before the end of the relevant six month period, which will be 31st May 2022.

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.

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 Barry-Mears non-attendance at meetings of the authority due to maternity for a six month period up to 30th November 2022 pursuant to Section 85 (1) of the Local Government Act 1972.