

COUNCIL, 21 MAY 2025

REPORT OF THE CHIEF EXECUTIVE

**SUBJECT: RESOLUTION TO EXTEND SIX MONTH ATTENDANCE
RULE**

SUMMARY

Section 85 of the Local Government Act 1972 provides that if a Councillor fails throughout a period of six consecutive calendar months from the date of their last attendance to attend any qualifying meeting of the Authority, they cease to be a Member of the Council unless the failure was due to some reason approved by Council before the expiration of the period.

Councillor Mandy Anderson is currently undergoing some medical treatment which has prevented her from attending meetings for some months. The last meeting which qualifies towards her attendance record was at the full council meeting held on 15th January 2025. The six-month expiry period is therefore 15th July 2025.

The matter is being brought to this meeting in order for Council to consider whether there is a reason to approve Councillor Mandy Anderson's non-attendance at meetings.

Should the Council approve the reasons for absence, the six-month attendance requirement recommences from the point that the previous six-month period expires. Therefore, Councillor Mandy Anderson would continue to be a councillor until at least 15th January 2026. In the event of Councillor Mandy Anderson attending a qualifying meeting before 15th January, the dispensation would fall and the six-month rule would reapply from the date of that attendance.

RECOMMENDATIONS

Council is asked to consider whether there is reason to approve Councillor Mandy Anderson's non-attendance at meetings and, if appropriate, agree that she be deemed to be exempted from the requirements of Section 85(1) of the Local Government Act 1972 and, accordingly, shall continue to be a Member of the Council.

REPORT DETAIL

Section 85 of the Local Government Act 1972 provides that if a Councillor fails throughout a period of six consecutive calendar months from the date of their last attendance to attend any meeting of the Authority ('six-month rule'), they cease to be a Member of the Council unless the failure was due to some reason approved by the Council before the expiration of the period.

For qualification purposes, attendance can be at any committee, sub-committee or other body discharging functions of the Council or at any meeting to which the Councillor has been formally appointed as a representative of the Council.

The decision whether or not to grant relief from the six-month rule in the case of a councillor failing to attend meetings of the Council is at the Council's discretion.

Councillor Mandy Anderson has served on the Council since 5th May 2022.

Councillor Anderson last attended the Council meeting held on 15th January 2025 and has been unable to attend further meetings due to ongoing treatment.

Following this evening's meeting which Councillor Anderson has been unable to attend due to her continued treatment, there is no other qualifying meeting of full Council currently scheduled which she could attend before the expiry of the six-month period. The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 (SI 2020/392), made under section 78 of the Coronavirus Act 2020, previously enabled councillors to remotely attend meetings. However, those regulations expired on 7 May 2021.

Should the Council approve the reason for absence, the six-month attendance requirement recommences from the point that the previous six-month period expires. Therefore, in the event that Councillor Anderson does not attend a qualifying meeting between now and 15th July 2025 the dispensation would commence from that date, meaning that Councillor Anderson would continue to be a Councillor until at least 15th January 2026.

Should Councillor Anderson attend a qualifying meeting before 15th January 2026, the dispensation would fall and the six-month rule would reapply from the date of that attendance.

The Council must consider whether there are reason(s) to grant relief from the application of the Section 85 six-month rule. It is entirely at the Council's discretion whether or not to grant an exemption from the Section 85 requirements and each case should be considered on its individual merits.

Public Background Papers Used in the Preparation of the Report: None

List of appendices: None

Financial Implications and Risks:

In the event of a councillor ceasing to be a Member of the Council, the basic allowance of £10,240 per annum will no longer be payable. The Council would bear the costs of conducting a by-election if one was subsequently requested. However, these are relatively small amounts of money in terms of the Council's budget and can be met from existing resources.

Human Resource Implications and Risks:

None arising directly.

Legal Implications and Risks:

The requirement to attend qualifying meetings and the consequence of non-attendance is set out in Section 85 of the Local Government Act 1972. Failure to attend a qualifying meeting within the stipulated six-month period means that the individual ceases to be a Member of the Council immediately, and that their office as Councillor is vacated, unless that absence is for a reason approved by the Assembly.

There is no specific provision within Section 85 of the Act regarding any extension period that may be granted in the event of non-attendance. Therefore, if the reason for non-attendance is approved the six-month attendance requirement recommences from the point that the previous six-month period expires.

Staff Contact: Zena Smith, Head of Committee and Election Services

zena.smith@haverling.gov.uk