

**NORTH LINCOLNSHIRE COUNCIL**

**COUNCIL**

**WAIVER OF SIX-MONTH COUNCILLOR ATTENDANCE RULE – SECTION 85 (1)  
OF THE LOCAL GOVERNMENT ACT 1972**

**1. OBJECT AND KEY POINTS IN THIS REPORT**

- 1.1 To consider the waiver of the six-month rule (see paragraph 2 below) provided for within Section 85 (1) of the Local Government Act 1972 for Councillor R Allcock who has been unable to attend any meeting of the council since 26 April 2022, and to consider an extension of the permitted non-attendance time-period for Councillor Allcock until the end of the 2022/23 council municipal year.

**2. BACKGROUND INFORMATION**

- 2.1 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, 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 (the Council) in advance of the six-month period expiring.
- 2.2 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.”
- 2.3 Councillor R Allcock as the main carer for his wife following an illness has not been able to attend any council meetings since 26 April 2022. A formal request has been received from Councillor R Allcock through the Conservative Group Leader and Secretary for a waiver to the six-month rule and further extension until the end of the council municipal year to enable him to remain in office and continue his other duties as a councillor.

2.4 The Council can only consider approval of any reasons for non-attendance before the end of the relevant six-month period, which for Councillor R Allcock will be 25 October 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 Council throughout a period of six consecutive months, provided that approval is given by the Council 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.

### **3. OPTIONS FOR CONSIDERATION**

3.1 To approve the request in paragraph 2.3 above.

3.2 To not approve the request in paragraph 2.3 above.

### **4. ANALYSIS OF OPTIONS**

4.1 To approve the request in paragraph 2.3 will enable the named councillor to remain in office and continue his other duties as a councillor.

4.2 Not to approve the request in paragraph 2.3 will result in the named councillor being disqualified as a councillor from 26 October 2022 in accordance with Section 85(1) of the Local Government Act 1972.

### **5. FINANCIAL AND OTHER RESOURCE IMPLICATIONS (e.g. LEGAL, HR, PROPERTY, IT, COMMUNICATIONS etc.)**

5.1 Following approval of a formal request to waive the six-month rule a councillor will continue to receive their allowances. There are no other resource implications associated with this report.

### **6. OTHER RELEVANT IMPLICATIONS (e.g. CRIME AND DISORDER, EQUALITIES, COUNCIL PLAN, ENVIRONMENTAL, RISK etc.)**

6.1 There are no other relevant implications associated with this report.

### **7. OUTCOMES OF INTEGRATED IMPACT ASSESSMENT (IF APPLICABLE)**

7.1 Not applicable.

**8. OUTCOMES OF CONSULTATION AND CONFLICTS OF INTERESTS DECLARED**

8.1 Consultation with the named members continues through the Conservative Group Office and Democratic Services.

8.2 There are no conflicts of interest. The Council is obliged to consider the formal request. The Council has over the years agreed similar requests from its members.

**9. RECOMMENDATIONS**

9.1 That the formal request to waiver the six-month rule provided for within Section 85(1) of the Local Government Act 1972 for Councillor R Allcock, and the extension of the permitted non-attendance time-period until the end of the 2022/23 council municipal year be approved.

DIRECTOR: GOVERNANCE AND COMMUNITIES

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**Background Papers used in the preparation of this report –**

Local Government Act 1972