

TRAFFORD COUNCIL

Report to: Council
Date: 25 January 2017
Report for: Decision
Report of: Director of Legal and Democratic Services

Report Title

EXTENSION OF SIX MONTH ATTENDANCE RULE

Summary

To consider a waiver of the six month rule under the Local Government Act 1972 and to excuse the non-attendance of Councillor Louise Dagnall at Council meetings for a further period of 6 months having regard to the circumstances of her absence from meetings.

Recommendation(s)

That Council agrees, having regard to the circumstances of the absence of Councillor Louise Dagnall from Council meetings, to waive the requirements of Section 85 of the Local Government Act 1972 and to approve an extension of the six month rule for Councillor Dagnall for a period of 6 months from the date of this meeting and expresses its best wishes to her for a speedy recovery.

Contact person for access to background papers and further information:

Name: Ian Cockill
Extension: 1387

Background Papers: None

1.0 Background

- 1.1 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. 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.
- 1.2 Councillor Louise Dagnall represents the Broadheath ward and in addition to Council was a serving member of the Scrutiny Committee until September 2016. Due to illness and on-going recovery, Councillor Dagnall has been prevented from undertaking normal duties. Councillor Dagnall has not been able to attend any Council or Committee meetings since the Council Meeting on 27 July 2016.
- 1.3 A formal request has therefore been made for an extension to the six month rule to be approved on the grounds that Councillor Dagnall’s non-attendance throughout that period has been due to ill-health and ongoing recovery. Council can only consider such a request where approval is given in relation to the reasons for non-attendance before the end of the relevant six month period, which will be on 26 January 2017.
- 1.4 Should any councillor lose 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. If the Council decided not to approve an extension and as Councillor Dagnall would be unable to attend another meeting, a casual vacancy would arise.
- 1.5 Under the circumstances, it is requested that Council approve an extension of the 6 month rule for Councillor Dagnall and that Council’s best wishes be conveyed to Councillor Dagnall for a speedy recovery. If minded to approve the request the extension of time will be effective for a 6 month period from the date of this meeting, to expire on 25 July 2017. This would not of course prevent Councillor Dagnall from returning to meetings at any time if her health improves sufficiently.