

TRAFFORD COUNCIL

Report to: Council
Date: 29 January 2019
Report for: Decision
Report of: Corporate Director of Governance and Community Strategy

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 Jane Baugh 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 Jane Baugh 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 Baugh 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 Jane Baugh represents the Priory Ward and in addition to Council was a serving member of the Executive until the end of November 2019. Due to ill-health and an injury requiring an operation, Councillor Baugh has been prevented from undertaking normal duties. Councillor Baugh has not been able to attend any meetings since the Executive Meeting on 19 August 2019.
- 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 Baugh’s non-attendance throughout that period has been due to ill-health and an injury. 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, i.e. 18 February 2020, and so the report has been brought to this, the last available Council meeting on 29 January 2020.
- 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 Baugh would be unable to attend another meeting because of her on-going recovery, 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 Baugh and that Council’s best wishes be conveyed to Councillor Baugh 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 29 July 2020. This would not prevent Councillor Baugh from returning to meetings at any time if her health improves sufficiently.