

TRAFFORD COUNCIL

Report to: Council
Date: 15 March 2023
Report for: Decision
Report of: Monitoring Officer

Report Title

Waiver of six-month Councillor Attendance rule

Summary

Under the Local Government Act 1972, there is a requirement on all members to attend a formal meeting of the authority in any 6-month period.

Currently only Full Council can authorise an extension of the six-month rule for a member. Any extension cannot be retrospective and must be made by a member in writing and presented to Full Council for consideration prior to the end of the six-month period.

Council is required to consider the request to extend the six-month rule as detailed in report.

Recommendation(s)

It is recommended that Council in accordance with Section 85 of the Local Government Act 1972, approves Councillor Dagnall's non-attendance at meetings until 15th June 2023 on medical grounds.

Contact person for access to background papers and further information:

Name: Dominique Sykes
Extension: 4293

Background Papers:

None

Implications

Relationship to Policy Framework/Corporate Priorities	None
Financial	There are no significant financial implications arising from this report.
Legal Implications:	The legal requirements for Members to attend meetings of the Council is set out in the report.
Equality/Diversity Implications	None
Sustainability Implications	None
Carbon Reduction	None
Staffing/E-Government/Asset Management Implications	None
Risk Management Implications	None
Health and Safety Implications	None

1.0 The Six-Month Rule

- 1.1 Under the Local Government Act 1972, there is a requirement on all members to attend a formal meeting of the authority in any six-month period (“Six-month rule”).
- 1.2 The Local Government Act 1972 says (insofar as is relevant to parish and community councils) that “... if a member of a local authority fails throughout a period of six consecutive months from the date of his last attendance to attend any meeting of the authority, he shall, unless the failure was due to some reason approved by the authority before the expiry of that period, cease to be a member of the authority.”
- 1.3 Disqualification is not discretionary and occurs by operation of law upon the expiry of the time period. Once a member has been rendered disqualified, they must not attend any meeting or participate in any decision-making. To do so would raise questions as to the legality of any decision which could be declared null and void by a court.
- 1.4 The effect of this provision is that a member automatically ceases to hold office as soon as the six-month period expires if that member’s council has not formally approved the councillor’s absence before that date.
- 1.5 Only Full Council can authorise an extension of the 6-month rule for a member. Any extension cannot be retrospective and must be made by a member in writing and presented to Council for consideration prior to the end of the 6-month period.
- 1.6 This means that before the six-month period runs out the Council will:
 - 1.6.1 consider any request for an extension to the six-month rule; and
 - 1.6.2 must decide (by a resolution) whether or not it approves the request.
- 1.7 In genuine circumstances the Council is likely to approve the absence and allow an extension of the time limit usually up to another six months.

2.0 Request for extension of six-month rule

- 2.1 Councillor Dagnall last attended a Council meeting on the 27th September 2022, when she was in attendance for the Children and Young Peoples overview and Scrutiny Committee.
- 2.2 Councillor Dagnall does not hold any other position within the Council that would give rise to a claim for special responsibility allowance.
- 2.1 Councillor Louise Dagnall has, for medical reasons and due to personal circumstances, been unable to attend any meetings in the last six-month period.
- 2.2 Prior to the expiry of the six-month period, a request is now submitted to Council by Councillor Dagnall to approve an extension to the six-month rule for a period of three months.
- 2.3 Councillor Dagnall makes the request based on medical grounds which will continue to prevent her from attending meetings within the next three months.
- 2.4 Council is asked to:
 - 2.4.1 consider Councillor Dagnall's request for a three-month extension to the six-month rule, from the date of Council; and
 - 2.4.2 decide (by a resolution) whether or not it approves the request.