

Section 85 Local Government Act 1972 – Resolution to Extend Six Month Rule

COUNCIL 25 October 2017	CLASSIFICATION: Open If exempt, the reason will be listed in the main body of this report.
WARD(S) AFFECTED Victoria and Cazenove	
GROUP DIRECTOR Tim Shields, Chief Executive	

1. SUMMARY

- 1.1 The purpose of this report is to enable the Council to consider an extension of the 6 month rule for Councillors Taylor and Akhoon on the grounds of their ill health.

2. RECOMMENDATIONS

- 2.1 **That the Council in accordance with Section 85 of the Local Government Act 1972, approves Councillors Taylor and Akhoon's non-attendance at meetings until the end of the Municipal Year on the grounds of continued ill-health and the Council's best wishes be conveyed to them.**

3 BACKGROUND

Section 85 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 shall cease to be a member of the authority. The only exception is if their non-attendance has been approved by the authority before the expiry of that period. Attendance can be at any committee or sub-committee, or at any joint committee, joint board or other body where the functions of the authority are discharged. Section 85 of the Act allows an authority to grant dispensation for such absence providing the dispensation is granted before the 6 month period of absence has expired.

- 3.2 Councillors Geoff Taylor and Dawood Akhoon have been unable to attend meetings recently on ill-health grounds. The last meeting attended by both Councillors was the AGM held on 24 May 2017. Under the circumstances it is requested that Council approve an extension of the 6 month rule for both Councillors until the end of the Municipal Year and the Council's best wishes be conveyed to them. This would not prevent Councillors Taylor and Akhoon from returning to meetings at any time if their health allowed but would give flexibility and prevent triggering a by-election before the local elections in May 2018.

4. IMPACT

- 4.1 Both Councillor Taylor's and Councillor Akhoon's Ward duties will continue to be undertaken by their Ward colleagues in Victoria and Cazenove Wards. Councillor Taylor has resigned from the Cabinet and the Mayor has appointed Councillor Rebecca Rennison on a part-time basis as Councillor Taylor's replacement.

5. COMMENTS OF THE GROUP DIRECTOR, FINANCE AND CORPORATE RESOURCES

5.1 There are no direct financial implications emanating from this report.

6. COMMENTS OF THE INTERIM DIRECTOR OF LEGAL

6.1 Section 85 of the Local Government Act 1972 ('LGA') 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 shall cease to be a member of the authority. If an executive member fails to attend an executive (cabinet) meeting for 6 months unless an extension was given he/she will cease to be a member of the authority (sub-section 85(2A) LGA)).

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6.3 This report is to enable the Council to consider an extension of the 6 month rule for Councillors Taylor and Akhoon on the grounds of their ill health. It is recommended, in light of the Councillors' ill health, that this extension is granted to both Councillors.

APPENDICES

None

BACKGROUND PAPERS

None

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