

Title of Report	Resolution To Extend Six Month Rule - Section 85 Local Government Act 1972
For Consideration By	Council
Meeting Date	17 May 2023
Classification	Open
Ward(s) Affected	Woodberry Down
Group Director	Ian Williams, Acting Chief Executive

1. **Summary**

- 1.1. The purpose of this report is to enable Council to agree to a dispensation of the 6 month rule for Councillor Caroline Selman on the grounds of maternity leave.

2. **Recommendations**

- 2.1. **To note in accordance with Section 85 of the Local Government Act 1972, Cllr Selman's non-attendance at meetings until 24 January 2024 to accommodate her maternity leave.**
- 2.2. **To agree that during this time, Cllr Selman is exempted from the requirements of Section 85(1) so that she may lawfully continue to be a Member of the Authority.**

3. **Background**

- 3.1. 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 ('six-month rule'). 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. Cllr Selman's last council meeting before she went on maternity leave, was on 25 January 2023. Under the circumstances it is requested that Council approve a dispensation of the 6 month rule until 24 January 2024. This

would not prevent Cllr Selman from returning to meetings at any time before this date should she decide to take less than a year's maternity leave.

- 3.3. Cllr Selman is a Member of the Audit Committee, Children and Young People Scrutiny Commission and the Child Q - Special Joint Scrutiny Commission. Her ward duties will continue to be undertaken by her ward colleague.

4. **Comments of the Group Director of Finance and Corporate Resources.**

- 4.1. There are no direct financial implications emanating from this report.

5. **Comments of the Director of Legal, Democratic and Electoral Services**

- 5.1. 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.

- 5.2. 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.

- 5.3. This report is to enable the Council to consider a dispensation of the 6 month rule for the Councillor on the grounds of their maternity leave. It is recommended, in light of this, the extension is granted.

Appendices

None

Exempt

None

Background documents

None

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