

Title of Report	Section 85 Local Government Act 1972 – Resolution To Extend Six Month Rule
For Consideration By	Council
Meeting Date	15 May 2024
Classification	Open
Ward(s) Affected	N/A
Group Director	Dawn Carter-McDonald, Interim Chief Executive

1. **Summary**

- 1.1 The purpose of this report is to enable Full Council to consider a dispensation of the 6 month rule for Councillor Midnight Ross on the grounds of ill health.

2. **Recommendations**

- 2.1 **To approve a dispensation for Councillor Ross from the statutory requirement to attend a meeting of the Council until 15 November 2024 for reason of ill-health.**

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. 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.
- 3.2 In accordance with the Council's Constitution, [Part 7B](#) Rule 26 *Vacation of office by failure to attend meetings* allows for Full Council to consider and approve the absence before the end of the six months.
- 3.3 Councillor Ross last attended a council meeting on 18 December 2023 before commencing a period of ill health. Under the circumstances it is recommended that Full Council approve a dispensation of the 6 month rule for Councillor Ross until 15 November 2024. This would not

prevent Councillor Ross from returning to meetings or Council business at any time before this date should she be well enough to do so.

4. Impact

- 4.1 Councillor Ross' committee and ward duties will be considered by the Labour Chief Whip and her ward colleagues, Cllr Garasia and Cllr Narcross.

5. Comments of the Interim Group Director of Finance

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

6. Comments of the Acting Director of Legal, Democratic and Electoral Services

- 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.

- 6.2 The only exception is if their non-attendance has been approved by the authority before the expiry of that period. 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.

- 6.3 As such Full Council has the discretion to approve the dispensation, based on the circumstances of the case, such that Councillor Ross may not cease to be a member of the Council for failing to attend a meeting in that period. The Monitoring Officer has received formal notification via the Labour Group Chief Whip seeking Full Council's approval to grant such a dispensation due to ill health. The Monitoring Officer is satisfied, that having regard to the circumstances, the Council would be justified in granting the dispensation

Appendices

None

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