

**Meeting** Council

**Portfolio Area**

**Date** 23 February 2023



## **RESOLUTION TO EXTEND 6 MONTH RULE – SECTION 85 LOCAL GOVERNMENT ACT 1972**

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### **1. PURPOSE**

- 1.1. To seek Council's approval, in accordance with section 85(1) of the Local Government Act 1972, to extend Councillor Liz Harrington's non-attendance at meetings of the Council until 4 May 2023 (the date of the Borough Council elections).

### **2. RECOMMENDATIONS**

- 2.1. That Council agree, in accordance with Section 85 of the Local Government Act 1972, to approve Councillor Harrington's non-attendance at meetings until 4 May 2023 (the date of the Borough Council elections), on the grounds of ill health.

### **3. BACKGROUND**

- 3.1. Councillor Harrington has been unable to attend any qualifying meetings on ill-health grounds, having last attended the meeting of the Community Select Committee held on 5 September 2022. In the circumstances, it is requested that Council approves her continuing absence until 4 May 2023 (the date of the Borough Council elections).
- 3.2. If approved this extension would not prevent Councillor Harrington from returning to meetings at any time within the extension period.
- 3.3. An extension is permitted under section 85 of the Local Government Act 1972, but must be approved within 6 months of Councillor Harrington's last qualifying meeting to prevent her from being disqualified.

### **4. REASONS FOR RECOMMENDED COURSE OF ACTION AND OTHER OPTIONS**

- 4.1. Unless Council approve Councillor Harrington's continued absence she will be disqualified from serving as a Councillor on 4 March 2023, her last qualifying attendance being at the meeting of the Community Select Committee held on 5 September 2022.

### **5. IMPLICATIONS**

#### **Financial Implications**

- 5.1. None

#### **Legal Implications**

- 5.2. Section 85(1) of the Local Government Act 1972 provides:

*Subject to subsections (2) and (3) below, 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.*

Council is therefore permitted to approve Councillor Harrington's continuing absence under the above section. If Council does not approve Councillor Harrington's absence she will cease to be a member of this Authority.