



## **North Devon Council**

Report Date: Wednesday, 20 November 2024

Topic: Requests for Waiver of 6 Month Councillor Attendance Rule

Report by: Ken Miles, Chief Executive

### **1. INTRODUCTION**

1.1. Section 85 (1) 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 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’.

1.2 Councillors Neil Denton and Liz Spear have been unable to attend meetings recently and the purpose of this report is to seek approval from Council to approve their continuing absence, which may exceed six consecutive months, due to ill health.

### **2. RECOMMENDATIONS**

2.1. It is recommended to approve Councillor Neil Denton’s non- attendance at meetings of the authority due to ill health for a further three month period up to 10 June 2025 pursuant to Section 85 (1) of the Local Government Act 1972.

2.2. It is recommended to approve Councillor Liz Spear’s non- attendance at meetings of the authority due to ill health for a further three month period up to 18 April 2025 pursuant to Section 85 (1) of the Local Government Act 1972.

### **3. REASONS FOR RECOMMENDATIONS**

3.1 To seek approval from Council to approve Councillors Neil Denton and Liz Spear’s continuing absence, which may exceed six consecutive months, due to ill health in accordance with Section 85 (1) of the Local Government Act 1972.

### **4. REPORT**

4.1. Councillor Neil Denton has been unable to attend Council meetings recently on ill health grounds. The last meeting that Councillor Denton attended was Licensing and Community Safety Committee on 10 September 2024. The six consecutive months will expire on 10 March 2025.

- 4.2. A formal request has been made for an extension to the six month rule by a further three months i.e. until 10 June 2025 to be approved to enable Councillor Denton to remain in office until he is able to resume normal duties.
- 4.3. Councillor Liz Spear has been unable to attend Council meetings recently on ill health grounds. The last meeting that Councillor Spear attended was Policy Development Committee on 18 July 2024. The six consecutive months will expire on 18 January 2025.
- 4.4. A formal request has been made for an extension to the six month rule by a further three months i.e. until 18 April 2025 to be approved to enable Councillor Spear to remain in office until she is able to resume normal duties.
- 4.5. Section 85 (1) of the Local Government Act enables a Local Authority to approve the reason(s) for non-attendance of a Member at any meeting of the Authority throughout a period of six consecutive months, provided that approval is given by the Authority before the expiry of the six month period.
- 4.6. The extension will give flexibility and will not prevent Councillors Neil Denton and Liz Spear from returning and attending meetings at any time before the end of the further 3 month extension to the six month rule.
- 4.7. Once a councillor loses office, through failure to attend for the six month period, the disqualification cannot be overcome by the councillor subsequently resuming attendance nor can retrospective approval of the Council be sought for an extension in time.

## 5. RESOURCE IMPLICATIONS

- 5.1. There are no resource implications.

## 6. EQUALITIES ASSESSMENT

- 6.1. There are no equality related issues. The consideration of requests for waiver of the 6 month Councillor attendance rule are required to be reported to Council for consideration in accordance with section 85(1) of the Local Government Act 1972.

## 7. ENVIRONMENTAL ASSESSMENT

- 7.1. There are no environmental implications arising from these proposals.

## 8. CORPORATE PRIORITIES

- 8.1. What impact, positive or negative, does the subject of this report have on:
  - 8.1.1. The commercialisation agenda: Not applicable
  - 8.1.2. Improving customer focus and/or: Not applicable
  - 8.1.3. Regeneration or economic development: Not applicable



## 9. CONSTITUTIONAL CONTEXT

9.1 The decision in respect of the recommendations in this report can be made pursuant to Article 4.5.18 as a power reserved to Full Council under Section 85 (1) of the Local Government Act 1972.

## 10. STATEMENT OF CONFIDENTIALITY

This report contains no confidential information or exempt information under the provisions of Schedule 12A of 1972 Act.

## 11. BACKGROUND PAPERS

The following background papers were used in the preparation of this report: Section 85 (1) of the Local Government Act 1972.

(The background papers are available for inspection and kept by the author of the report).

## 12. STATEMENT OF INTERNAL ADVICE

The author (below) confirms that advice has been taken from all appropriate Councillors and Officers: Ken Miles, Chief Executive, Simon Fuller, Senior Solicitor and Monitoring Officer and Beverley Triggs, Senior Corporate and Community Services Officer