

SUBJECT: EXTENSION OF SIX MONTH ATTENDANCE RULE

REPORT BY: CHIEF EXECUTIVE AND TOWN CLERK

LEAD OFFICER: CHERYL EVANS – DEMOCRATIC SERVICES AND ELECTIONS MANAGER

1. Purpose of Report

- 1.1 To consider a dispensation under the six month rule under the Local Government Act 1972 and to excuse the non-attendance of Councillor Aiden Wells.

2. Background

- 2.1 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 their last attendance, to attend any meeting of the Authority they will, unless the failure was due to some good reason approved by the Authority before the expiry of that period, cease to be a member of the Authority.”*

- 2.2 A meeting of the authority is subsequently defined in Section 85 (2) as:

“Attendance as a member at a meeting of any committee or sub-committee of the authority, or at a meeting of any joint committee, joint board or other body by whom for the time being any of the functions of the authority are being discharged, or who were appointed to advise the authority on any matter relating to the discharge of their functions, and attendance as representative of the authority at a meeting of any body of persons, shall be deemed for the purposes of subsection (1) above to be attendance at a meeting of the authority”.

- 2.3 If the six month rule and automatic vacation of office applies, then a by-election follows.

- 2.4 This requirement can be waived and the time limit extended if any failure to attend was due to a reason approved by the Authority, in advance of the six month period expiring.

- 2.5 Councillor Aiden Wells represents the Glebe Ward. Due to ill health, Councillor Aiden Wells has been prevented from undertaking normal duties and has not attended a meeting since 10 December 2024. Six months from his last attendance would be 9 June 2025. At present, it is unlikely Councillor Aiden Wells will be able to attend a committee meeting of the Council before that time.

- 2.6 The Liberal Democrats Group has requested that Council approves an extension to the six month rule on the grounds that Councillor Aiden Wells’ non-attendance throughout that period has been due to ill health and, as a consequence, has not been able to attend meetings nor is this likely to change in the near future. This would then mean that Councillor Aiden Wells would not have to attend a

committee meeting of the Council until 10 December 2025. It is anticipated that Councillor Aiden Wells will be able to return to his duties as a Councillor before that date.

- 2.7 Should any member lose office through failure to attend for the six month period, the disqualification cannot be overcome by the member subsequently resuming attendance nor can retrospective approval of the Council be sought for an extension in time. If the Council decided not to approve an extension Councillor Aiden Wells would need to attend another meeting by 9 June 2025, otherwise a casual vacancy would arise.

3. Conclusion

- 3.1 The Council is invited to consider a dispensation under the six month rule under the Local Government Act 1972 and to excuse the non-attendance of Councillor Aiden Wells.

4. Organisational Impacts

4.1 Financial Implications

There are no financial implications.

4.2 Legal Implications

- 4.3 As outlined in the report.

5. Recommendations

- 5.1 To consider approval of a dispensation for Councillor Aiden Wells from attending meetings of the Council in order to avoid Councillor Aiden Wells potentially ceasing to be a member of the authority under Section 85 of the Local Government Act 1972.

Key Decision No

Do the Exempt Information Categories Apply? No

Call in and Urgency: Is the decision one to which Rule 15 of the Scrutiny Procedure Rules apply? No

Does the report contain Appendices? None

List of Background Papers: The Local Government Act 1972, section 85 - [Local Government Act 1972 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/1972/24/section/85)

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