

**COUNCIL
2 APRIL 2020**

PART 1 – PUBLIC DOCUMENT

**TITLE OF REPORT: RESOLUTION TO EXTEND THE 6 MONTH RULE – SECTION 85
LOCAL GOVERNMENT ACT 1972**

REPORT OF THE DEMOCRATIC SERVICES MANAGER

EXECUTIVE MEMBER: THE LEADER OF COUNCIL

NEW COUNCIL PRIORITY: RESPOND TO CHALLENGES TO THE ENVIRONMENT

1. EXECUTIVE SUMMARY

- 1.1 To consider the extension of the six-month rule for Councillor Bill Davidson, having regard to the circumstances for absence from meetings.

2. RECOMMENDATIONS

- 2.1. That Council approves an extension of the six-month rule for Councillor Bill Davidson, on ill-health grounds, for an additional six-month period, until 9 October 2020.
- 2.2. That the power to grant an extension, on health grounds, be delegated to the Democratic Services Manager, in consultation with Group Leaders during the coronavirus pandemic, such delegation to last for the term of the pandemic, or to cease if not renewed by Council / or under emergency powers in July 2020.

3. REASONS FOR RECOMMENDATIONS

- 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 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'*. Whilst the Local Government Association has been lobbying for this to be dealt with (potentially under the Coronavirus Bill 2020), at the stage of finalising the report, this has not been included.

- 3.2. The recommendation at 2.1 is therefore required to enable Cllr Davidson to continue to serve as a District Councillor. The recommendation at 2.2 is to cover the pandemic emergency.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1. The alternative option would be to not agree to the extension which would create a vacancy within the Royston Meridian ward. However, is not considered an option as Cllr Davidson wishes to continue to serve as a District Councillor.
- 4.2. It should be noted that the Coronavirus Bill 2020 contains a provision for 'casual' vacancies; however, this is not necessary.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1. There is no duty to consult on this matter and therefore no consultation with Members or external organisations has taken place.

6. FORWARD PLAN

- 6.1 This report does not contain a recommendation on a key Executive decision and has therefore not been referred to in the Forward Plan.

7. BACKGROUND

- 7.1. Councillor Bill Davidson has been unable to attend meetings recently on ill-health grounds. The last meeting attended was the Royston and District Committee meeting on 9 October 2019. Therefore, the six-month period will expire on 9 April 2020, unless an extension is approved. Since that meeting Councillor Davidson has experienced ill-health and is under ongoing medical care. Under the circumstances, it is requested that Council approve an extension of the six-month rule for Councillor Davidson on ill-health grounds.

8. RELEVANT CONSIDERATIONS

- 8.1. The information relevant to the decision has been detailed throughout the report. Should Council be minded to grant an extension for an additional six months it would not prevent Councillor Davidson returning to meetings at any time, should health allow.

9. LEGAL IMPLICATIONS

- 9.1. Council is required to determine this matter as per Paragraph 1.2.1 of the Council's Constitution:

'The Council is comprised of forty nine Councillors each elected for a four year period. Elections are held in three out of four years with a third of the seats contested in each year. Each Councillor is democratically accountable to the residents of their electoral ward as well as all of those who live in the District of North Hertfordshire. The overriding duty of Councillors is to the whole community, but they have a special duty to their

constituents, including those that did not vote for them. Councillors who do not attend at least one Council or Committee meeting in a six-month period cease to be a Councillor, unless their absence is approved by Full Council within that period’.

9.2. 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’.*

9.3. Section 85 (2) of the Local Government Act 1972 provides guidance as to attendance at a meeting. *‘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’.*

10. FINANCIAL IMPLICATIONS

10.1 There are no financial implications arising from the report. However, should the extension not be granted could result in a by-election and therefore the costs would be incurred by the Authority.

11. RISK IMPLICATIONS

11.1. None contained within this report.

12. EQUALITIES IMPLICATIONS

12.1. In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.

12.2. The six-month extension to a term of office provides an opportunity for Cllr Davidson to continue in the role as District Councillor when health improves.

13. SOCIAL VALUE IMPLICATIONS

13.1. The Social Value Act and “go local” requirements do not apply to this report.

14. HUMAN RESOURCE IMPLICATIONS

14.1. The Committee, Member and Scrutiny Services Manager monitors attendance and notifies Group Leaders when a Member has not attended a meeting for 4 consecutive months.

15. APPENDICES

15.1. None.

16. CONTACT OFFICERS

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17. BACKGROUND PAPERS

17.1. None.