

**EXTRAORDINARY COUNCIL  
7 DECEMBER 2021**

**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

COUNCIL PRIORITY: BE A MORE WELCOMING, INCLUSIVE AND EFFICIENT  
COUNCIL/RESPOND TO CHALLENGES TO THE ENVIRONMENT

**1. EXECUTIVE SUMMARY**

- 1.1 To consider an extension of the six-month rule for Councillor John Bishop, 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 John Bishop, on ill-health grounds, for an additional six-month period, until 15 July 2022, subject to re-election in May 2022.

**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'*. Despite attempts for this to be changed (the Local Government Association previously lobbied for this to be dealt with potentially under the Coronavirus Bill 2020), this remains the current situation.
- 3.2. The recommendation at 2.1 is therefore required to enable Cllr Bishop to continue to serve as a District Councillor.

**4. ALTERNATIVE OPTIONS CONSIDERED**

- 4.1. The alternative option would be to not agree to the extension which would create a vacancy within the Kimpton ward. However, is not considered an option given the length of service that Cllr Bishop has given to the authority - first being elected to the council in 2006, Cllr Bishop would therefore want to continue to serve as a District Councillor.

- 4.2. In the event of a casual vacancy the by-election would not take place, and the vacancy held open until the Ordinary Election of Councillors in May 2022. The Kimpton ward seat is one which is due to for election in May 2022. The recommendation acknowledges that should Cllr Bishop wish to stand for re-election and is elected, but continues to remain unwell, the six month extension would continue to remain until 15 July 2022. Note that this extension relates to the individual and not the seat.

## **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 John Bishop has been unable to attend meetings recently on ill-health grounds. The last meeting attended was the Planning Committee meeting on 15 July 2021. Therefore, the six-month period will expire on 15 January 2022, unless an extension is approved (the scheduled Full Council meeting on 20 January 2022 would be too late to consider this extension, hence the requirement to consider the matter at the Extraordinary Council meeting on 7 December 2021). Since that meeting Councillor Bishop 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 Bishop 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 Bishop 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.

## **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 Bishop 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. ENVIRONMENTAL IMPLICATIONS**

- 14.1. There are no known Environmental impacts or requirements that apply to this report.

## **15. HUMAN RESOURCE IMPLICATIONS**

- 15.1 The Service Director; Legal and Community alongside the Committee, Member and Scrutiny Team monitors attendance and notifies Group Leaders when a Member has not attended a meeting for 4 consecutive months.

## **16. APPENDICES**

- 16.1 None.

## **17. CONTACT OFFICERS**

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## **18. BACKGROUND PAPERS**

- 18.1 None.