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Dear Councillor

SOUTH HAMS COUNCIL - THURSDAY, 22ND SEPTEMBER, 2022

I refer to the agenda for the above meeting and attach papers in connection with the following item(s).

Agenda No	Item
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9.	<u>Six Month Member Meeting Attendance Rule</u> (Pages 1 - 4)
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Yours sincerely

Darryl White
Democratic Services Manager

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Report to: **COUNCIL**

Date: **22 September 2022**

Title: **SIX-MONTH MEMBER MEETING ATTENDANCE
RULE**

Portfolio Area: **Council – Cllr Pearce**

Wards Affected: **All**

Urgent Decision: **N** Approval and clearance obtained: **Y**

Date next steps can be taken: Immediately following this meeting

Author: **Darryl White** Role: **Democratic Services Manager**

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RECOMMENDATIONS:

That Council is RECOMMENDED to consider whether or not it wishes to further extend the waiver of the six-month attendance rule provided for within Section 85(1) of the Local Government Act 1972 for Councillor Kate Kemp (due to ill health) beyond the current extended period of Thursday, 22 September 2022.

1. Executive summary

- 1.1. Section 85 (1) of the Local Government Act 1972 requires a Member of a Local Authority to attend at least one meeting of that Authority within a six-month consecutive period, in order to avoid being disqualified as a Councillor. 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.
- 1.2. Due to illness, Cllr Kate Kemp, local Ward Member for Loddiswell and Aveton Gifford, has not been able to attend any formal Council meetings since 16 February 2022.
- 1.3. At its last meeting held on 14 July 2022, the Council considered this matter (Minute 27/22 refers) and resolved that:

2. *the six-month attendance rule provided for within Section 85(1) of the Local Government Act 1972 for Councillor Kate Kemp due to ill health be waived; and*
 3. *the permitted non-attendance time period for Councillor Kate Kemp be extended up to and including Thursday, 22 September 2022.*
- 1.4 Since the period of absence for Cllr Kemp was only extended to the date of this Council meeting, Members are now required to formally re-consider this matter.

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 The Authority can only consider approval of any reasons for non-attendance before the end of the relevant six month period. Section 85 (1) of the Local Government Act 1972 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.
- 2.3 At its last meeting, the Council resolved to extend the period of absence for Cllr Kemp up to and including the date of this Council meeting (22 September 2022) (Minute 27/22 refers).
- 2.4 Once any 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 Authority be sought for an extension in time.
- 2.5 In the event that Cllr Kemp is able to attend this Council meeting, then there will be no need to formally consider this agenda report at the meeting.

3. Options available and consideration of risk

- 3.1 The Council is asked to consider whether or not it wishes to further extend the waiver of the six-month attendance rule provided for within Section 85(1) of the Local Government Act 1972 for Councillor Kate Kemp (due to ill health) beyond the current extended period of Thursday, 22 September 2022.

4. Implications

Implications	Relevant to	Details and proposed measures to address
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	proposals Y/N	
Legal/Governance		If approval is not provided to waive the six-month attendance rule the Councillor will cease to be a Member of the Authority following this Full Council meeting.
Financial implications to include reference to value for money		Councillors that have been granted an extended period of absence will continue to be entitled to receive their allowance unless otherwise requested.
Risk		Section 3 above refers.
Supporting Corporate Strategy		N/A
Climate Change - Carbon / Biodiversity Impact		None
Comprehensive Impact Assessment Implications		
Equality and Diversity		None
Safeguarding		None.
Community Safety, Crime and Disorder		None
Health, Safety and Wellbeing		None
Other implications		None

Supporting Information

Appendices:

None

Background Papers:

Local Government Act 1972

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