

**Blaby District Council
Council**

Date of Meeting	20 September 2022
Title of Report	Local Government Act 1972, Section 85(1) – Approval of Absence This is not a Key Decision and is on the Forward Plan
Lead Member	Cllr. Terry Richardson - Leader of the Council
Report Author	Senior Democratic Services & Scrutiny Officer
Corporate Priority	All Priorities: A Place to Live; A Place to Work; A Place to Visit; People Strategy; Medium Term Financial Strategy (MTFS)

1. What is this report about?

- 1.1 To seek approval of a waiver of the six-month attendance rule pursuant to section 85(1) Local Government Act 1972 for Cllr. David Clements.

2. Recommendation(s) to Council

- 2.1 That Council approves the waiver of the six-month attendance rule provided for within section 85(1) Local Government Act 1972 for Cllr. David Clements due to illness.
- 2.2 That the absence period be approved until the meeting of Council on 23 February 2023, to allow a further report to be considered, if required.

3. Reason for Decisions Recommended

- 3.1 The Council has the statutory power to consider such requests.

4. Matters to consider

- 4.1 Background

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.

Cllr. David Clements has not been able to attend any Council meetings since the meeting of Council on 23 November 2021 due to illness. A formal request from the Conservative Group for an extension to this six-month rule to enable him to remain in office had been received. A report was submitted and approved by Council on 5 April 2022 to extend his absence up until 5 October 2022 and for Council to consider a further report on 20 September 2022 before the six-month rule lapses.

The Authority can only consider approval of any reasons for non-attendance before the end of the relevant six-month period, which will be 5 October 2022.

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.

4.2 Proposal(s)

That Cllr. David Clements absence from Council meetings be approved for a further six-months, until 5 April 2023.

A further report will be submitted to Council on 23 February 2023, before the six-month rule lapses, if required.

4.3 Relevant Consultations

The Conservative Group.

4.4 Significant Issues

Legal Implications

If approval is not provided to waive the six-month attendance rule, the Councillor will cease to be a Member of the Authority once this period runs out.

5. What will it cost and are there opportunities for savings?

5.1 Not applicable.

6. What are the risks and how can they be reduced?

6.1 None.

7. Other options considered

7.1 None.

8. Environmental Impact

8.1 None.

9. Other significant issues

9.1 In preparing this report, the author has considered issues related to Human Rights, Human Resources, Equalities, Public Health Inequalities, and Climate Local and there are no areas of concern.

9.2 Significant issues relating to legal matters have been addressed at paragraph 4.4

10. Appendix

10.1 None.

11. Background paper(s)

11.1 [Local Government Act 1972](#)

11.2 [Council report dated 5 April 2022 \(min ref. 276\)](#)

12. Report author's contact details

Sandeep Tiensa	Senior Democratic Services & Scrutiny Officer
sandeep.tiensa@blaby.gov.uk	0116 272 7640