



B O S T O N

B O R O U G H C O U N C I L

REPORT TO:	COUNCIL
DATE:	10 JUNE 2020
SUBJECT:	EXTENSION OF SIX MONTH ATTENDANCE RULE
PORTFOLIO HOLDER:	LEADER OF THE COUNCIL
REPORT AUTHOR:	MONITORING OFFICER
EXEMPT REPORT?	NO

SUMMARY

To consider the granting of an extension to the six month attendance rule to prevent Councillors ceasing to be a Member of the authority under Section 85 of the Local Government Act 1972.

RECOMMENDATIONS

1. To approve a dispensation for all Members to agree an extension to the six-month attendance rule in Section 85 of the Local Government Act 1972.
2. To grant an extension of three months to the six month rule for all Members in order to avoid any Councillor ceasing to be a member of the authority under Section 85 of the Local Government Act 1972. Any further dispensation requests after the nine month period to be reviewed on a monthly basis by the Monitoring Officer in consultation with Group Leaders.

REASONS FOR RECOMMENDATIONS

It is necessary for Members to grant themselves a dispensation to consider the extension of the 6-month rule because all Members could benefit financially by remaining qualified and claiming their allowance when they would otherwise have ceased to be a Member.

To prevent any Member losing their seat through failure to attend a meeting as a result of the coronavirus outbreak it is necessary for the Council to agree an extension of the six month rule. It is proposed that each Member be granted an automatic extension of 3 months, to provide a period of 9 months from the date they last attended meeting. Any further requests for continued dispensation would be reviewed on a monthly basis by the Monitoring Officer in consultation with Group Leaders.

ALTERNATIVES CONSIDERED

To not agree an extension to the 6 month attendance rule.

REPORT

1. Extension of Six Month Attendance Rule

- 1.1 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.”*
- 1.2 Attendance can be at any Committee or sub-Committee where the functions of the Authority are discharged or that is appointed to advise the Authority on any matter relating to the discharge of its functions. A Member’s attendance at a meeting of an outside body to which they were appointed by the Council would also qualify. The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 set out that attendance at virtual meetings is also acceptable.
- 1.3 The requirement can be waived and the time limit extended if any failure to attend was for a reason approved by the Authority, in advance of the expiration of that six-month period. The granting of an extension is a decision that can only be made by the full Council.
- 1.4 The impact of Covid-19 has affected the number of meetings the Council is holding, which may make it increasingly difficult for some Members to attend a meeting. Any meeting during the restriction period will be conducted virtually, which may affect some Members’ ability to participate, for instance if the area in which they live suffers from poor broadband connectivity.
- 1.5 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 of time.
- 1.6 The Council could choose not to grant an extension to the six month rule however this is not recommended because it could lead to a number of Members ceasing to qualify through no fault of their own in these exceptional circumstances. The suspension of elections until 7 May 2021 by the Coronavirus Act 2020 would also mean that the Council could potentially be forced to operate with a number of vacancies for a prolonged period.
- 1.7 Council is therefore requested to consider granting an automatic period of 3 months extension to all Members. This would provide a period of 9 months for

non-attendance since the date they last attended a meeting, before requiring consideration of a further dispensation. Any requests for continued dispensation after the nine month period would be subject to monthly review by the Monitoring Officer in consultation with Group Leaders.

FINANCIAL IMPLICATIONS

None.

LEGAL IMPLICATIONS

As set out in the body of the report.

CLIMATE CHANGE IMPLICATIONS

None.

EQUALITY AND SAFEGUARDING IMPLICATIONS

None.

OTHER IMPLICATIONS

None.

CONSULTATION

None.

APPENDICES

None

BACKGROUND PAPERS

No background papers as defined in Section 100D of the Local Government Act 1972

CHRONOLOGICAL HISTORY OF THIS REPORT

A report on this item has not been previously considered by a Council body.