

S85 Local Government Act 1972 - Extension of Office

Summary

To consider requests from the following Members for an extension of office beyond the six-month period of non-attendance:

Councillor Charles McGrath
Councillor Pip Ridout

Proposals

1) That Council approves the requests for the Members listed below for an extension beyond the six-month period of non-attendance on the grounds of ill health:

**Councillor Charles McGrath
Councillor Pip Ridout**

2) That such an extension be granted until the end of July 2023, which would allow for any request for a further extension being considered by Council at its meeting in July 2023. In the event of that meeting either being cancelled or postponed, such an extension to remain in place until after the next available meeting of the Council.

Reason for Proposals

To enable Councillors McGrath and Ridout to remain in office during periods of illness

Perry Holmes – Director, Legal & Governance (and Monitoring Officer)

Wiltshire Council

Full Council

18 October 2022

S85 Local Government Act 1972 - Extension of Office

Purpose of Report

1. To ask Council to consider requests from the following Members for an extension of office beyond the six-month period of non-attendance:
 - Councillor Charles McGrath
 - Councillor Pip Ridout

Background

2. Under Section 85(1) of the Local Government Act 1972, if a Member fails throughout six consecutive months to attend any meeting of the council or of its committees or its sub-committees of which they are a member, they shall, unless due to a reason approved by the council before the end of that period, cease to be a member of the council.
3. Since 6 May 2021, *The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020* permitting online meetings ceased to be in effect. As a result, attendance at an online meeting would not meet the requirements of S85 of the LGA 1972. Attendance at a physical meeting would be necessary.
4. Additionally, as specified in the Act, attendance by a Member must be of a committee or sub-committee to which they have been appointed by Full Council, not simply attendance at any council meeting.

Main Considerations

5. Councillor McGrath represents Salisbury Milford Division, and last attended a meeting on 13 July 2022. He has recently received diagnosis of a serious medical condition, and his scheduled treatment plan will mean he will be unable to attend meetings for at least six months.
6. Councillor McGrath is a member of Environment Select Committee, Salisbury Area Board and Southern Area Planning Committee, and is a substitute on the Licensing Committee.
7. Councillor McGrath has requested Council to approve an extension to the usual six-month rule to enable him to remain in office. Council can only consider approval of any reasons for non-attendance before the end of the relevant six-month period, which would be 12 January 2023. This meeting would therefore be the last opportunity for Council to consider such a request before the expiry of that period.
8. Councillor Ridout, representing Warminster West Division, has been seriously unwell for a period of several months, which has included several stays in hospital.

Although Councillor Ridout attended one very local meeting in August 2022, she has not been able to physically attend other meetings.

9. Councillor Ridout is a member of Audit and Governance Committee, Health Select Committee, Licensing Committee, Standards Committee, Strategic Planning Committee, Warminster Area Board, and Western Area Planning Committee. She is also a substitute on the Overview and Scrutiny Select Committee and Standards Assessment Sub-Committee.
10. Councillor Ridout has requested Council to approve an extension to the usual six-month rule to enable her to remain in office. Council can only consider approval of any reasons for non-attendance before the end of the relevant six-month period, which would be 22 February 2023.
11. S85 does not proscribe the reasons Council may approve an extension of office.

Safeguarding Implications

12. There are no safeguarding implications.

Public Health Implications

13. Any ongoing impact of the Covid-19 pandemic on the attendance of members should be considered. In particular, the potential need to self-isolate or otherwise cancel attendance at a scheduled meeting at short notice, or otherwise being classified as vulnerable.

Equalities Impact

14. Personal circumstances would need to be taken into account.

Environment and Climate Change considerations

15. There are no implications.

Risk Assessment

16. There are no risk implications to the council.

Financial Implications

17. There are no financial implications.

Procurement Implications

18. There are no procurement implications.

Legal implications

19. 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.

20. Should the approval of Council not be given at this meeting, if any of the Members listed are not well enough to resume their duties as a Member before the expiry of the six-month period, and be unable to attend a required meeting, they would be disqualified from office. Full Council is unable to grant retrospective approval.

Proposals

21. That Council approves the requests for the Members listed below for an extension beyond the six-month period of non-attendance on the grounds of ill health:

Councillor Charles McGrath
Councillor Pip Ridout

22. That such an extension be granted until the end of July 2023, which would allow for any request for a further extension being considered by Council at its meeting in July 2023. In the event of that meeting either being cancelled or postponed, such an extension to remain in place until after the next available meeting of the Council.

Perry Holmes

Director - Legal & Governance (and Monitoring Officer)

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Appendices

None

Background Papers

None