

Wiltshire Council

Full Council

18 July 2023

S85 Local Government Act 1972 - Extension of Office

Summary

To consider a request from the following Member for an extension of office beyond the six-month period of non-attendance:

Councillor Charles McGrath

Proposals

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

Councillor Charles McGrath

2) That such an extension be granted until the end of October 2023, which would allow for any request for a further extension being considered by Council at its meeting on 17 October 2023.

3) 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 to remain in office during a period of illness.

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

Wiltshire Council

Full Council

18 July 2023

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

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 9 March 2023. He has recently been receiving further treatment relating to a serious medical condition and is unable to attend physical meetings.
6. Councillor McGrath is a member of Environment Select Committee, Salisbury Area Board, Southern Area Planning Committee, and is a substitute on the Licensing Committee.
7. Councillor McGrath has requested Council 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 8 September 2023. This meeting would therefore be the last opportunity for Council to consider such a request before the expiry of that period.
8. S85 does not proscribe the reasons Council may approve an extension of office.

Safeguarding Implications

9. There are no safeguarding implications.

Public Health Implications

10. There are no implications.

Equalities Impact

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

Environment and Climate Change considerations

12. There are no implications.

Risk Assessment

13. There are no risk implications to the council.

Financial Implications

14. There are no financial implications.

Procurement Implications

15. There are no procurement implications.

Legal implications

16. 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.
17. Should the approval of Council not be given at this meeting, if Councillor McGrath was not well enough to resume his duties as a Member before the expiry of the six-month period, and be unable to attend a required meeting, he would be disqualified from office. Full Council is unable to grant retrospective approval.

Proposals

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

Councillor Charles McGrath

19. **That such an extension be granted until the end of October 2023, which would allow for any request for a further extension being considered by Council at its meeting on 17 October 2023.**
20. **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