

## Wiltshire Council

### Full Council

15 February 2022

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#### S85 Local Government Act 1972 - Extension of Office

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#### 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:
  - Cllr Jacqui Lay
  - Cllr Mary Webb

#### 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. Cllr Webb, representing Salisbury St Pauls Division, has not been able to attend any physical council or committee meetings since 10 November 2021. In part as a result of ongoing medical concerns affecting mobility and ability to attend physical meetings, the only committee to which Cllr Webb is appointed is Salisbury Area Board.
6. Cllr Webb 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 12 May 2022. This meeting would therefore be the last opportunity for Council to consider such a request before the expiry of the relevant six-month period.

7. Cllr Lay, representing Purton Division, has not been able to attend any physical council or committee meetings since 19 October 2021. Cllr Lay has been unwell for an extended period and has received medical advice not to attend public meetings for an indeterminate period.
8. Cllr Lay 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 20 April 2022. This meeting would therefore be the last opportunity for Council to consider such a request before the expiry of the relevant six-month period.
9. Cllr Lay is a member of the Electoral Review Committee, Northern Area Planning Committee, Staffing Policy Committee, Children's Select Committee and Royal Wootton Bassett and Cricklade Area Board.
10. S85 does not proscribe the reasons Council may approve an extension of office. A number of authorities, such as Ealing London Borough Council, have considered blanket dispensation from the six-month rule for all their Members due to the unprecedented circumstances during the Covid-19 pandemic.

#### **Safeguarding Implications**

11. Not applicable.

#### **Public Health Implications**

12. The impact of the ongoing 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**

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

#### **Environment and Climate Change considerations**

14. Not applicable.

#### **Risk Assessment**

15. Not applicable.

#### **Financial Implications**

16. Not applicable.

#### **Procurement Implications**

17. Not applicable.

## **Legal implications**

18. 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.
19. If the approval of Council is not 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, or as a result of Covid-19 disruptions or other reasons, be unable to attend a required meeting, they would be disqualified from office. Full Council is unable to grant retrospective approval.

## **Proposals**

20. **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 and/or in recognition of the unique impact of Covid-19 on member attendance:**

**Cllr Jacqui Lay  
Cllr Mary Webb**

21. **That such an extension be granted until the end of October 2022 which would allow for any request for a further extension being considered by Council at its meeting on 18 October 2022. 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 and Governance (and Monitoring Officer)**

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Report author: Kieran Elliott, Acting Democracy Manager (Democratic Services)

## **Appendices**

None

## **Background Papers**

None