

<b>Classification:</b> Open	<b>Decision Type:</b> Non-Key
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<b>Report to:</b>	Standards Committee	<b>Date:</b> 03 April 2024
<b>Subject:</b>	Breach of the Six Month Rule	
<b>Report of</b>	Jacqui Dennis, Monitoring Officer	

## 1. Summary

1.1 Under the Local Government Act 1972, there is a requirement on all members to attend a formal meeting of the authority in any six-month period (“Six-month rule”).

1.2 The Local Government Act 1972 says (insofar as is relevant to parish and community councils) that “... if a member of a local authority fails throughout a period of six consecutive months from the date of his last attendance to attend any meeting of the authority, he shall, unless the failure was due to some reason approved by the authority before the expiry of that period, cease to be a member of the authority.”

1.3 Disqualification is not discretionary and occurs by operation of law upon the expiry of the time period. Once a member has been rendered disqualified, they must not attend any meeting or participate in any decision-making. To do so would raise questions as to the legality of any decision which could be declared null and void by a court.

1.4 The effect of this provision is that a member automatically ceases to hold office as soon as the six-month period expires if that member’s council has not formally approved the councillor’s absence before that date.

1.5 Only Full Council can authorise an extension of the 6-month rule for a member. Any extension cannot be retrospective and must be made by a member in writing and presented to Council for consideration prior to the end of the 6-month period.

1.6 This means that before the six-month period runs out the Council will:

1.6.1 consider any request for an extension to the six-month rule; and

1.6.2 must decide (by a resolution) whether or not it approves the request.

## 2. Failure to attend a meeting

2.1 Cllr Mason has been a Bury Councillor for approximately 5 years.

2.2 On the 5<sup>th</sup> May 2022 Cllr Mason was re-elected for a further 2-year term.

2.3 Cllr Mason has not attended any council meeting of since the 12<sup>th</sup> October 2023. There hasn’t been any reasons given for his lack of attendance at meetings despite numerous contact being sent by the Democratic Services team.

(2.4) There was a Council meeting on the 20<sup>th</sup> March 2024. Were Cllr Mason to have attended this meeting, there would not have been any failure to attend a council meeting throughout a period of six consecutive months within the meaning of s 85(1) of the Local Government Act 1972 (“LGA 1972”). s.85 of the Local Government Act 1972 states that

when a Council Member fails to attend any meeting for six consecutive months from the date of their last attendance, they cease to be a member of the authority, unless the Council accepts a reason for the failure to attend before the six months period expires. Councillor Mason has not applied to Council for a dispensation prior to the expiry of the six month period. If a Member once loses their office through failure to attend for the six months period, the disqualification cannot be overcome by the Member subsequently resuming attendance.

(2.5) Cllr Mason is not currently a member of any committee, sub-committee, joint committee, joint board or other body (within the meaning of s 85(2) of the LGA 1972).

(2.6) It follows from (5), that as things stand Cllr Mason will fall foul of s 85(1) of the LGA 1972 on the 12<sup>th</sup> April 2024.

### **3. Recommendation(s)**

The Standards Committee notes that as of the 12<sup>th</sup> April 2024, 6 months will have passed since Councillor Mason last attended a meeting of the authority, at the time of writing, no request has been made for an extension of the 6 month rule, prior to the end of the six month period.

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