

## REPORT TO COUNCIL

<b>Open</b>				
Lead Member Councillor A Beales Email: cllr.Alistair.Beales@West-Norfolk.gov.uk				
Lead Officer: Rebecca Parker E-mail: rebecca.parker@west-norfolk.gov.uk			Other Officers consulted: Chief Executive, Monitoring Officer and Deputy Monitoring Officer	
Financial Implications NO	Policy/Personnel Implications NO	Statutory Implications YES	Equality Impact Assessment req'd NO	Risk Management Implications NO

Date of Meeting: 27<sup>th</sup> November 2025

### WAIVER OF SIX-MONTH COUNCILLOR ATTENDANCE RULE

Under section 85 of the Local Government Act 1972, a request has been received for Council to consider the waiver of the six-month attendance rule by Councillor Don Tyler due to his ill health.

#### **RECOMMENDED:**

- 1. That Council approve the waiver of the six-month attendance rule provided for within Section 85(1) of the Local Government Act for Councillor Don Tyler due to illness.**
- 2. That the extension of the permitted non-attendance time period for a new six-month period, to expire on 26<sup>th</sup> May 2026.**

### **1 Background and Key Issues**

Section 85 (1) of the Local Government Act 1972 requires a member of a Local Authority to attend at least one meeting of that Authority within a six-month consecutive period, in order to avoid being disqualified as a Councillor. This requirement can be waived and the time limit extended if any failure to attend was due to a reason approved by the Authority, in advance of the six-month period expiring.

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.”

Due to ill health Councillor Don Tyler has not been able to attend any Council meetings since the meeting of Council on 17<sup>th</sup> July 2025. A request has been received from Councillor Tyler for an extension to this six-month rule to enable him to remain in office until he is able to resume normal duties. The Authority can only consider approval of

any reasons for non-attendance before the end of the relevant six month period, which will be 17<sup>th</sup> January 2026.

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. Once any councillor loses office, through failure to attend for the six-month period, the disqualification cannot be overcome by the councillor subsequently resuming attendance nor can retrospective approval of the Authority be sought for an extension in time.

This item has been brought as urgent business due to the current status of Councillor Tyler's ill health in accordance with S.100B (4) of the Local Government Act 1972.

## **2 Alternative Options considered**

Members may consider granting a waiver over a different time period other than an additional six months.

Were the Council not to approve the reason for absence, a vacancy would then arise on expiry of the six-month period of absence (i.e 17<sup>th</sup> January 2026).

## **3 Financial Implication**

Councillors that have been granted an extended period of absence will continue to receive their allowance unless otherwise requested.

## **4 Statutory Implication**

If approval is not provided to waive the six-month attendance rule the Councillor will cease to be a Member of the Authority once this period has run out.

## **5 Background Documents**

Local Government Act 1972