

Council	
Meeting Date	01 October 2025
Report Title	Waiver of six-month councillor attendance rule under s.85(1) of the Local Government Act 1972
EMT Lead	Larissa Reed – Chief Executive
Head of Service	
Lead Officer	Jo Millard – Democratic and Electoral Services Manager
Classification	Open
Recommendations	<p>Council is recommended to determine whether to:</p> <ol style="list-style-type: none"> 1. Agree that health grounds are an appropriate reason to waive the requirement under s85(1) of the Local Government Act 1972 for Cllr Roger Clark to attend a council meeting within six months of his last attendance. 2. Agree that health grounds are an appropriate reason to waive the requirement under s85(1) of the Local Government Act 1972 for Cllr Rich Lehmann to attend a council meeting within six months of his last attendance.

1 Purpose of Report and Executive Summary

- 2.1 This report asks Council to determine whether to approve health grounds as a reason under s85 of the Local Government Act 1972 for not requiring a councillor to attend a meeting of the council within six months of their last attendance. Should this reason (or another reason) not be approved, and in the event that this councillor were unable to attend a meeting for six consecutive months from the date of their last attendance, they would cease to be members of the authority six months from the date of their last attendance.

2 Background

- 2.1 Section 85 of the Local Government Act 1972 requires that if a member of a local authority fails to attend any meeting of the authority throughout a period of six consecutive months from the date of their last attendance at a meeting, they 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.
- 2.2 Without fettering the council's discretion in determining whether to approve a reason for extended absence under the 1972 Act, section 4 of the SBC members' allowances scheme sets out a sickness leave policy for councillors and states that

the policy will be a relevant factor in decisions under s85 of the 1972 Act in cases where the primary reason for absence has been and continues to be sickness.

- 2.2 Councillor Roger Clark has a health issue that has prevented him from attending a physical meeting and may continue to do so in the coming months. He has indicated his desire to attend physical meetings, but his current health condition may prevent him from doing so. Approval of reasons for absence under the 1972 Act is a Full Council matter and Council is asked to consider the recommendation.
- 2.3 Councillor Rich Lehmann has a health issue that may prevent him from attending a physical meeting and may continue to do so in the coming months. He has indicated his desire to attend physical meetings, but his current health condition may prevent him from doing so. Approval of reasons for absence under the 1972 Act is a Full Council matter and Council is asked to consider the recommendation.
- 2.5 Councillors have the same rights to protection of their sensitive personal data as other identifiable individuals, but Councillors Clark and Lehmann have consented to Members being made aware on a confidential basis that they are subject to ongoing health issues.

3 Proposals

- 3.1 Council is now asked to consider the information presented in the report and determine whether to agree that:

Councillor Roger Clark's ongoing health issues are an appropriate reason to waive the requirement under s85(1) of the Local Government Act 1972 for him to attend a Council meeting within six months of his last attendance.

Councillor Rich Lehmann's ongoing health issues are an appropriate reason to waive the requirement under s85(1) of the Local Government Act 1972 for him to attend a Council meeting within six months of his last attendance.

4 Alternative Options

- 4.1 It is for Council to determine whether to approve the grounds cited as an appropriate reason to waive the six-month rule under s85 of the 1972 Act. Should Council not do so and a councillor is unable to attend a meeting within six months of her/his last attendance, that councillor would cease to be a member of the Council. This cannot be overcome by the former member resuming attendance, and nor can Council approval of the reason for absence be applied retroactively.

5 Consultation Undertaken or Proposed

- 5.1 Consultation has been undertaken with Councillors Clark and Lehmann who have requested approval by Council of their reason for absence.

6 Implications

Issue	Implications
Corporate Plan	There are no corporate plan implications.
Financial, Resource and Property	Councillors who have been granted an extended period of absence from meetings will continue to receive their allowance unless otherwise requested.
Legal, Statutory and Procurement	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 runs out and a by-election for the seat would be necessary.
Crime and Disorder	None identified at this stage.
Environment and Climate/Ecological Emergency	None identified at this stage.
Health and Wellbeing	The members' allowances scheme includes a policy on (inter alia) sickness leave, with a view to supporting the health and wellbeing of councillors.
Safeguarding of Children, Young People and Vulnerable Adults	None identified at this stage.
Risk Management and Health and Safety	None identified at this stage.
Equality and Diversity	While the six-month rule established by the 1972 Act is absolute, the fact that some members may be unable to attend physical meetings on health grounds does raise equality and diversity issues which council will want to have in mind when making decisions about whether to approve reasons for absence under that Act.
Privacy and Data Protection	Article 9 of the UK General Data Protection Regulation establishes data concerning health as a 'special category' of data, requiring a specific condition to be satisfied in order for the information to be held, processed or disclosed. In this case, the three councillors have explicitly consented to council being made aware, on a confidential basis, of the information in this report.

7. Appendices

7.1 There are no appendices.

8. Background Papers

8.1 The SBC Members' Allowances Scheme can be accessed [here](#)