

## Disqualification of Councillors

### Direction from Cumberland Council

The Council received challenges from members of the public regarding the non-attendance of Councillor Nancy Rowson and Councillor Paul Rowson, citing the Local Government Act 1972, Section 85(1).

The Local Government Act 1972 (the Act) Section 85(1) states: *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.*

The Clerk replied and expressed her view that as apologies had been received from the Councillors and the Council meetings had been required to be rearranged, S85(1) of the Act would not apply. The Clerk's view was challenged and the challenge was supported by relevant examples and links to guidance regarding the application of this law. The Clerk sought advice through CALC and Cumberland Council's Electoral Services. Electoral Services referred the matter to the Monitoring Officer (MO). The MO states: *"My view is that there is no exception [to the law]– if a councillor fails to attend a meeting of that council for six months then they are disqualified, unless the council has first (ie before the expiry of the six months) agreed to waive the absence for a particular reason. That being the case, the two members would be disqualified from 21<sup>st</sup> November. It is unfortunate that the members will say that they would have attended if the cancelled meetings had gone ahead, but I don't think there is any way around the rules. "*

Cumberland Council's senior governance lawyer has confirmed that view, and says that this must be formally minuted by the Council which *"can take the form of a report highlighting the fact"* The Clerk has been asked to advise the lawyer as soon as this has been done.

The Council should be aware that, at the Clerk's request, CALC continue to seek specialist legal advice, but for the purposes of meeting Cumberland Council's direction, I can report that the last attendance by Councillor Nancy Rowson and Councillor Paul Rowson was 21<sup>st</sup> May 2024 and so, in accordance with the direction received from Cumberland Council, I must report that they have ceased to be members of Ennerdale and Kinniside Parish Council. The Council is required to formally accept the findings of this report.

Jane Coltman

Clerk to the Council

28<sup>th</sup> November 2024