

Council

25 November 2021

Report of Director of Corporate and Customer Services (& Monitoring Officer)

DISPENSATION FOR NON-ATTENDANCE AT COUNCIL MEETINGS

PURPOSE OF REPORT

This report seeks a dispensation to a Councillor for non-attendance at council meetings for a period of six consecutive months.

RECOMMENDATION

1. That approval be given to a dispensation for Councillor Rose from attending meetings of the Council for a period of six months commencing on 26 November 2021, thus nullifying the disqualification to hold office for a six month period.
2. That it be noted that any extension to the dispensation for Councillor Rose after the six month period ends on 26 May 2022, will require further approval in accordance with recommendation 1 above.

WARDS AFFECTED

Carsington Water

STRATEGIC LINK

The role of our elected members is crucial to the effectiveness of the organisation and connects to the key priorities in the corporate plan.

1 BACKGROUND

- 1.1 Councillor Lewis Rose has been unable to attend meetings of the Council, its committees or any outside bodies on which he represents the authority on the grounds of ill health. His last attendance at a qualifying meeting was on 5 July 2021 when he attended Community and Environment Committee.

2 REPORT

- 2.1 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 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.”

- 2.2 Pursuant to the above legislation, Council is asked to approve a dispensation for Councillor Rose from attending meetings of the Council, its Committees or outside bodies, ending on 26 May 2022. Unless the Council agrees the recommendation, Councillor Rose will cease to be a member of the Council on 5 January 2022.
- 2.3 Any extension to the dispensation for Councillor Rose will be subject to further approval at the time, in accordance with paragraphs 2.1 and 2.2 above

3 RISK ASSESSMENT

Legal

- 3.1 The legal issues associated with this report are detailed in paragraph 2.1 of this report. The legal risk is assessed as low.

Financial

- 3.2 Should dispensation for Councillor Rose not be granted, a by-election would be required due to a vacancy on the Council. The cost of this would be funded from existing budgets for local election expenses.

Corporate Risk

- 3.3 Failure to agree the request for dispensation will result in the Proper Officer declaring a vacancy for the seat held by Councillor Rose and a by-election would be necessary. There may be reputational risks for the Council in failing to agree a dispensation in a timely manner, given the reason for Councillor Rose’s absence.

4 OTHER CONSIDERATIONS

- 4.1 In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.
- 4.2 There are no specific equalities or diversity issues associated with this report. The council is committed to fulfilling its obligations under the Equality Act 2010, including the Public Sector Equality Duty (Section 149). This duty includes a general duty and specific duties. The general duty requires public bodies to have ‘due regard’ to the need to:

- eliminate unlawful discrimination, harassment and victimisation and conduct prohibited by the Act,
- advance equality of opportunity between people from different groups; and
- foster good relations between people from different groups.

5 CONTACT INFORMATION

James McLaughlin, Director of Corporate and Customer Services
01629 761281 or james.mclaughlin@derbyshiredales.gov.uk

6 BACKGROUND PAPERS

6.1 None