

ATTENDANCE DISPENSATION

Head of Service:	Olwen Brown, Monitoring Officer
Wards affected:	(All Wards);
Urgent Decision?(yes/no)	No
If yes, reason urgent decision required:	N/A
Appendices (attached):	None

Summary

To consider a waiver of the six month rule for attendance at Council and Committee meetings under the Local Government Act 1972 for Councillor Jan Mason, having regard to the circumstances of her absence from meetings.

Recommendation (s)

The Council is asked to:

- (1) Agree that, having regard to the circumstances of the absence of Councillor Jan Mason from Council meetings, the requirements of Section 85 of the Local Government Act 1972 in relation to attendance at meetings be waived for Councillor Mason until the meeting of the Council on 6 December 2022.**

1 Reason for Recommendation

- 1.1 A request has been made by Councillor Jan Mason for a dispensation to be granted for attendance at Council and Committee Meetings until the next meeting of Council, which is on 6 December 2022.

2 Background

- 2.1 Section 85 (1) of the Local Government Act 1972 sets out 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 reason approved by the Authority before the expiry of that period, cease to be a member of the Authority.”
- 2.2 Attendance can be at any committee or sub-committee, or any joint committee, joint board or other body where the functions of the Authority

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are discharged. This requirement can be waived and the time limit extended with the approval of the Authority in advance of the six month period expiring.

- 2.3 Councillor Jan Mason represents the Ruxley Ward and is a serving member of the Planning Committee and Financial Policy Panel. Due to illness and on-going recovery, Councillor Mason has been prevented from undertaking normal duties. Councillor Mason has not been able to attend any Council or committee meetings since the Planning Committee on 10 March 2022.

3 Risk Assessment

Legal or other duties

3.1 Equality Impact Assessment

3.1.1 None.

3.2 Crime & Disorder

3.2.1 None.

3.3 Safeguarding

3.3.1 None.

3.4 Dependencies

3.4.1 None.

3.5 Other

3.5.1 None.

4 Financial Implications

4.1 None arising from the contents of this report.

4.2 **Section 151 Officer's comments:** None arising from the contents of this report.

5 Legal Implications

5.1 The Council is only able to consider a request for a waiver from the attendance requirement of the Local Government Act 1972 before the end of the relevant six month period, which for Councillor Mason will be on 10 September 2022.

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5.2 Should any Councillor lose 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 Council be sought for approval to the absence.

5.3 If the Council decided not to approve an extension, a casual vacancy would arise if Councillor Mason is not able to attend another meeting before 10 September 2022.

5.4 **Monitoring Officer's comments:** see above

6 Policies, Plans & Partnerships

6.1 **Council's Key Priorities:** Not relevant to the contents of this report.

6.2 **Service Plans:** Not relevant to the contents of this report.

6.3 **Climate & Environmental Impact of recommendations:** Not relevant to the contents of this report.

6.4 **Sustainability Policy & Community Safety Implications:** Not relevant to the contents of this report.

6.5 **Partnerships:** Not relevant to the contents of this report.

7 Background papers

7.1 The documents referred to in compiling this report are as follows:

Previous reports:

- None.

Other papers:

- Local Government Act 1972 (as amended).