

## ATTENDANCE DISPENSATION

<b>Head of Service:</b>	Piero Ionta, Head of Legal and Monitoring Officer
<b>Report Author:</b>	Tim Richardson
<b>Wards affected:</b>	(All Wards);
<b>Appendices (attached):</b>	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 10 August 2026.

#### 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 10 August 2026. This would reset her need to attend any meeting for a period of 6 months from the date of the meeting that this decision is taken.

#### 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 are discharged. This requirement can be waived and the time limit

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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 Audit and Scrutiny Committee, Planning Committee and Strategy & Resources Committee. Due to illness 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 4 September 2025. To support her recovery, it is proposed that she be allowed the maximum period allowed under Section 85 to return to the Council Chamber.

### 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 3 March 2026.

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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 3 March 2026.
- 5.4 **Monitoring Officer's comments:** The report has been prepared on behalf of the Monitoring Officer.

## 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.
- 6.6 **Local government Reorganisation implications:** 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).