



Request for a Dispensation for a Councillor

Executive Portfolio Holder: Val Keitch, Strategy and Housing
Strategic Director: Nicola Hix, Support Services
Lead Officer: Richard Ward, Monitoring Officer
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Purpose of the Report

1. This report is to ask Members to approve a dispensation for a Councillor from attending Council meetings due to ill health over a six month period.

Public Interest

2. If a Councillor fails, or is unable for certain reasons, to attend any meeting of the Council over a six month period, then the Council can approve a dispensation from attending meetings for that Councillor.

Recommendations

3. Council is asked to:-
 - a. approve a dispensation for Councillor Malcolm Cavill from attending meetings of the Council by reason of illness for a six month period commencing 2nd December 2020, in order to avoid Councillor Cavill ceasing to be a member of the authority under Section 85 of the Local Government Act 1972.
 - b. note that the dispensation will last until 2nd June 2021.

Background

4. Members will be aware of Councillor Cavill's on-going inability to attend Council meetings on the grounds of ill-health. His last attendance at a qualifying meeting under Section 85 of the Local Government Act 1972 was the Regulation Committee meeting on the 2nd June 2020. Section 85 states that if a Member fails over 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.
5. Qualifying meetings include attendance as a Member at a meeting of any Committee or Sub-Committee of the Authority or at a meeting of any Joint Committee, Joint Board or other body discharging functions of the Authority. It also includes attendance as a representative of the Authority at a meeting of, for example, an outside body.



Report Detail

6. Councillor Cavill was last present at a Council meeting on 2nd June 2020 and unless the dispensation is agreed, he would cease to be a member of the authority on 2nd December 2020.
7. Under Section 85 of the Local Government Act 1972 such dispensations for members are a responsibility of Full Council, hence this request.
8. Members may recall that in January 2014, a dispensation was agreed for a Councillor. At that time it was noted that similar situations would occur again and it was agreed that in the event of there not being a timely meeting of Full Council to consider a dispensation request, that a flexible mechanism be introduced via a delegation to the Chief Executive to consider such requests and which would avoid the need to call an extraordinary meeting of Full Council to deal with the issue.
9. However, in this case, there is a timely meeting to make this request and so the report is brought to Council. The Group Leaders have been notified and have confirmed their support for the dispensation request.
10. The Chief Executive has obtained the agreement of all of the Group Leaders to extend the dispensation to 2nd June 2021. It is hoped that Councillor Cavill will have regained his health during this period and returned to his Councillor duties.

Financial Implications

11. There are no financial implications in agreeing this dispensation.

Legal implications (if any) and details of Statutory Powers

12. Section 85 of the Local Government Act 1972.
<https://www.legislation.gov.uk/ukpga/1972/70/section/85>

Council Plan Implications

13. Our Values: Getting things done - Empowering dedicated and flexible employees and elected members focussed on delivery

Carbon Emissions and Climate Change Implications

14. There are no carbon emission or climate change implications arising from this report.

Equality and Diversity Implications

15. There are no equality or diversity implications.

Privacy Impact Assessment



South Somerset District Council

16. The personal data of the individual Councillor named is retained in accordance with the Council's Retention Schedule and whilst in the possession of the Council will be kept secure and confidential.

Background Papers

Reports to Council on 16th January 2014, 17th July 2014 and January 2015.
Section 85 of the Local Government Act 1972.
