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## Notification of a Decision taken under delegated powers in respect of a Dispensation for a Councillor

Executive Portfolio Holder: Val Keitch, Strategy and Housing  
Strategic Director: Jill Byron, Monitoring Officer  
Lead Officer: Jill Byron, Monitoring Officer  
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### Purpose of the Report

1. This report is to advise Members that a general dispensation has been granted by the Chief Executive under section 85 of the Local Government Act 1972 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 Chief Executive can approve a dispensation from attending meetings for that Councillor.

### Recommendations

3. Council is asked to note that the Chief Executive has:-
  - a. approved a dispensation for Councillor Malcolm Cavill from attending meetings of the Council by reason of illness for a six month period commencing 14<sup>th</sup> April 2022, in order to avoid Councillor Cavill ceasing to be a member of the authority under Section 85 of the Local Government Act 1972.
  - b. noted that the dispensation will last until 14<sup>th</sup> October 2022.

### 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 Area North Committee meeting on the 14<sup>th</sup> April 2021. 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



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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 14<sup>th</sup> April 2021 and without the continuing dispensation, he would have ceased to be a member of the authority on 14<sup>th</sup> April 2022, following the granting of a 6 month dispensation in October 2021.
7. Under Section 85 of the Local Government Act 1972 such dispensations for members are a responsibility of Full Council, however, 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.
8. The Chief Executive has obtained the agreement of all of the Group Leaders to extend the dispensation to 14<sup>th</sup> October 2022. It is hoped that Councillor Cavill will have regained his health during this period and returned to his Councillor duties.

### Financial Implications

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

### Legal implications (if any) and details of Statutory Powers

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

### Council Plan Implications

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

### Carbon Emissions and Climate Change Implications

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

### Equality and Diversity Implications

13. There are no equality or diversity implications.

### Privacy Impact Assessment



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<i>An Equality Impact Relevance Check Form has been completed in respect of the Proposal?</i>	Yes
<i>The Impact Relevance Check indicated that a full EIA was required?</i>	No
<i>If an EIA was <b>not</b> required please attach the Impact Relevance Check Form as an Appendix to this report and provide a brief summary of its findings in the comments box below.</i>	
<i>If an EIA <b>was</b> required please attach the completed EIA form as an Appendix to this report and provide a brief summary of the result of your Equality Impact Assessment in the comment box below.</i>	
<b>Additional Comments</b>	
<i>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.</i>	

### Background Papers

Reports to Council on 16<sup>th</sup> January 2014, 17<sup>th</sup> July 2014, January 2015, December 2020, September 2021, October 2021 (previous dispensation reports).

Section 85 of the Local Government Act 1972.

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