

Name of Committee:	Council		
Committee Date:	17 January 2024		
Report Title:	Dispensation for Councillor Non-Attendance at Meetings of the Authority		
Responsible Officer:	Matt Goodwin, Executive Head for Internal Services		
Cabinet Lead:	Alex Rennie, Leader of the Council		
Status:	Non-Exempt		
Urgent Decision:	No	Key Decision:	No
Appendices:	N/A		
Background Papers:	Local Government Act 1972, Section 85(1) – Vacation of office by failure to attend meetings (Local Government Act 1972)		
Officer Contact:	Jenni Harding, Democratic & Electoral Service Manager jenni.harding@havant.gov.uk 02392 446234		
Report Number:	HBC/		

Corporate Priorities:

This report does not align directly to any of the priorities in the Council Plan, but is required to ensure compliance with the relevant legislation (Local Government Act 1972) in relation to a request for a dispensation which has been received.

Executive Summary:

This report seeks Council approval for special dispensation for a councillor to be excused from attending committee meetings for a period up to and including the end of the current term of office, due to medical grounds.

Recommendations:

It is recommended that Council agrees:

- 1) To approve the grant of a dispensation for Councillor Guest pursuant to section 85(1) of the Local Government Act 1972 for a period up to and including Councillor Guest's end of his current term of office.
- 2) Councillor Guest be granted a leave of absence for non-attendance at meetings of the Authority in that period on medical grounds.
- 3) The best wishes of the Council are conveyed to Councillor Guest at this time.

Introduction

- 1.1. Section 85 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 their last attendance to attend any meeting of the authority, they 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.
- 1.2. For the purposes of the legislation, attendance is deemed as being present 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 by whom for the time being any of the functions of the authority are being discharged, or who were appointed to advise the authority on any matter relating to the discharge of their functions, and attendance as representative of the authority at a meeting of any body of persons.
- 1.3. A councillor who attends a meeting as the appointed substitute for a councillor is a member of the committee for that meeting and this is sufficient for the purposes of section 85.

2. Background

- 2.1. Councillor Guest has been unable to attend a meeting of the Authority in person since his attendance at the meeting of Council on 26 July 2023, due to an ongoing medical condition.
- 2.2. A dispensation will allow Councillor Guest to attend Committees of the Council if he is able and for his apologies to be given if necessary. The circumstances are considered sufficient to merit the grant of a dispensation from attendance.

3. Options

- 3.1. Dispensation to be granted by Council to provide Councillor Guest with a period of leave of absence on medical grounds, approving Councillor Guest's non-attendance at meetings of the Authority for a period up to and included the last day of Councillor Guests current term of office.

- 3.2. Council does not agree to grant a dispensation to Councillor Guest for non-attendance at meetings of the Authority and he would cease to be a member of the Authority after 26 January 2024 and a vacancy would arise on the Council's membership. The position would be held vacant until the Borough election scheduled for May 2024.

4. Relationship to the Corporate Strategy

- 4.1. This report does not align directly to any of the priorities in the Council's Corporate Strategy but is required to ensure compliance with the relevant legislation (Local Government Act 1972) in relation to a request for a dispensation which has been received.

5. Conclusion

- 5.1. Councillors are required to attend meetings in person in line with the Local Government Act 1972. To remain an elected member of this Council, Councillor Guest will either need to be granted a leave of absence.

6. Implications and Comments

6.1. S151 Comments

I am happy to support the recommendations and content that there are no financial implications.

6.2. Financial Implications

There are no financial implications associated with this decision, however a need to deliver of an unscheduled election would carry a resource implication.

6.3. Monitoring Officer Comments

The Monitoring Officer has received formal notification from Cllr Guest, seeking Full Council's approval to grant such a dispensation due to ill-health. The Monitoring Officer is satisfied that, having regard to the circumstances, the Council would be justified in granting the dispensation.

6.4. **Legal Implications**

Under the Local Government Act 1972 Section 85 (1), if a member of the Council fails throughout a six month period from the date of their last attendance at any meeting of the council to attend another such meeting, they shall, unless the failure is approved by the authority before the expiry of that period, cease to be a member of the authority.

As such, Full Council has the discretion to approve a dispensation, based on the circumstances of the case, such that the councillor may not cease to be a member of the Council for failing to attend a meeting in that period.

6.5. **Equality and Diversity**

None arising from this report.

6.6. **Human Resources**

None arising from this report as this report relates to an elected member.

6.7. **Information Governance**

None arising from this report.

6.8. **Climate and Environment**

None arising from this report.

7. **Risks**

7.1. Not applicable

8. **Consultation**

8.1. The Group Leaders have been consulted seeking their support for the approval.

8.2. While not a formal decision-making forum, Group Leaders signalled their support for the recommendations.

9. **Communications**

9.1. Not applicable

Agreed and signed off by:		Date:
Cabinet Lead:	Cllr Alex Rennie	21/12/23
Executive Head:	Matt Goodwin	19/12/23
Monitoring Officer:	Jo McIntosh	19/12/23
Section151 Officer:	Steven Pink	2/1/24