



Council 25 January 2016

Request for a Dispensation

Purpose of report

To consider a request for a dispensation where a councillor is unable to attend a meeting of the Council, its committees or outside bodies over a six-month period.

1.0 Background

- 1.1 Councillor Marian Hollomon has been unable to attend meetings of the Council, its committees or any outside bodies on which she represents the authority on the grounds of ill-health. Her last attendance at a qualifying meeting was representing the council at a meeting of the Health and Wellbeing Forum for East Northamptonshire on 27 July 2015.
- 1.2 Section 85 of the Local Government Act 1972 states that if a Member fails over a period of six consecutive months from the date of their last attendance to a meeting of or on behalf 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.
- 1.3 Qualifying meetings include attendance as a Member at a meeting of any committee or sub-committee of the Council 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 Council at a meeting of, for example, an outside body.
- 1.4 Unless the Council agrees the recommendation before it, Councillor Hollomon will cease to be a member of the Council on 27 January 2016.
- 1.5 Under Section 85 of the Local Government Act 1972, such dispensations for members are the responsibility of full Council, hence this request. It is possible that similar situations will occur again and it is therefore proposed 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 requests in respect of serious illness and where a return to active service as a councillor is expected and which would avoid the need to call an extraordinary meeting of full Council deal with the issue.

2.0 Equality and Diversity Implications

- 2.1 There are no quality implications arising from this report.

3.0 Legal Implications

- 3.1 The legal implications associated with this proposal are detailed in paragraph's 1.2 and 1.5 of the report. There are no further legal implications identified.

4.0 Risk Management

- 4.1 Failure to agree the request for dispensation will result in the Proper Officer declaring a vacancy for the seat held by Councillor Hollomon and a by-election would be necessary. There are reputational risks for the Council in failing to agree a dispensation in a timely manner.

5.0 Resource and Financial Implications

5.1 As set out in the section in respect of Risk Management, failure to agree the dispensation for Councillor Hollomon would result in a vacancy on the Council and a by-election would need to be called, which would incur unnecessary costs in respect of administering the by-election. Beyond this, there are no resource or financial implications associated with this report.

6.0 Constitutional Implications

6.1 The recommendation to delegate authority to the Chief Executive to deal with dispensation requests that cannot be considered in a timely manner by the full Council will need to be enshrined within the Scheme of Delegation at Part 3 of the Constitution.

7.0 Corporate Outcomes

7.1 The proposal best fits with the corporate outcome of 'Effective management'.

8.0 Recommendation

8.1 The Council is recommended to

- (i) Approve a dispensation for Councillor Marian Hollomon from attending meetings of the Council by reason of illness for a six month period commencing from 25 January 2016, in order to avoid Councillor Hollomon ceasing to be a member of the authority under Section 85 of the Local Government Act 1972.
- (ii) Agree that any future dispensations in cases of serious illness and where a return to active service as a councillor is expected under Section 85, in the event of there not be a timely meeting of full Council to consider the matter, be delegated to the Chief Executive, in consultation with Political Group Leaders, subject to a report back on the exercise of delegated powers to the next appropriate meeting of full Council.
- (iii) Agree that any extension to the dispensation for Councillor Hollomon be subject to further approval at the time in accordance with recommendation (ii) above.

(Reason –To comply with legislative provisions in respect of councillor attendance at meetings.)

Legal	Power: Local Government Act 1972 – Section 85				
	Other considerations:				
Background Papers:					
Person Originating Report: James McLaughlin, Democratic and Electoral Services Manager ☎ 01832 74(2113) ✉ jmclaughlin@east-northamptonshire.gov.uk					
Date: 18 January 2016					
CFO		MO		CX	