

Cherwell District Council

Council

18 December 2023

Dispensation from Attending Meetings

Report of Monitoring Officer

This report is public

Purpose of report

To seek Council approval for a dispensation from attending meetings to a Member who is currently unable to attend any Council meetings due to ill-health.

1.0 Recommendations

The meeting is recommended:

- 1.1 to approve a dispensation for Councillor Maurice Billington from the statutory requirement to attend a meeting of the Council within a six-month period from the last noted attendance.
- 1.2 to approve that the dispensation last up to and including 6 May 2024.

2.0 Introduction

- 2.1 Under the Local Government Act 1972 Section 85 (1), councillors who do not attend a meeting of the Council during a six month period will cease to be a member of the Council unless the Council has approved a dispensation before the expiry of that period.
- 2.2 Council is asked to grant such a dispensation to Councillor Maurice Billington who, due to ill-health, is unlikely to be able to attend a meeting of the Council prior to May 2024.

3.0 Report Details

- 3.1 Section 85 (1) 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 will, unless the failure

was due to some good reason approved by the Authority before the expiry of that period, cease to be a member of the Authority.”

- 3.2 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 or who were appointed to advise the Authority on any matter relating to the discharge of their functions. This requirement can be waived, and the time limit extended if any failure to attend was due to a reason approved by the Authority, in advance of the six-month period expiring.
- 3.3 Should any Member lose office through failure to attend a meeting throughout a period of six consecutive months, the disqualification cannot be overcome by the Member subsequently resuming attendance. In addition, retrospective approval by the Council cannot be sought.
- 3.3 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.
- 3.4 The Monitoring Officer has received formal notification from Councillor Maurice Billington, and his Group Leader, Councillor Barry Wood, seeking Full Council's approval to grant a dispensation from attending meetings due to ill-health. The Monitoring Officer is satisfied that, having regard to the circumstances, the Council would be justified in granting the dispensation.
- 3.5 Councillor Billington's last meeting attendance was at Planning Committee on 13 July 2023 and without a dispensation he would need to attend a meeting before 13 January 2024.
- 3.6 The granting of a dispensation to 6 May 2024 would mean the dispensation expires on the last day of Councillor Billington's term of office.
- 3.7 Should Councillor Billington's health improve before May 2024 and he attends a meeting, the dispensation will no longer apply.

4.0 Conclusion and Reasons for Recommendations

- 4.1 Under the Local Government Act 1972 Section 85 (1), councillors who do not attend a meeting of the Council during a six month period will cease to be a member of the Council unless the Council has approved a dispensation before the expiry of that period.
- 4.2 Councillor Billington has requested a dispensation so as to avoid automatically ceasing to be a Member of the Council should he be unable to attend a meeting before 13 January 2024. He has therefore sought the approval of the Council prior to the expiry of the six-month period.

5.0 Consultation

None

6.0 Alternative Options and Reasons for Rejection

- 6.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: Not to agree a dispensation. This is not recommended as Councillor Billington has requested a dispensation due to ill-health.

7.0 Implications

Financial and Resource Implications

- 7.1 There are no financial implications arising from this report.

Comments checked by:

Michael Furness, Assistant Director Finance, michael.furness@cherwell-dc.gov.uk

Legal Implications

- 7.2 Section 85 of the Local Government Act 1972 states that where a Councillor fails to attend any meeting of the authority for six months, they cease to be a Member of the Authority unless a dispensation has been granted by the Authority concerned. The dispensation has to be given before the expiry of the six month period. In Councillor Billington's case, this is 13 January 2023.

Comments checked by:

Shahin Ismail, Interim Monitoring Officer, shahin.ismail@cherwell-dc.gov.uk

Risk Implications

- 7.3 Failure to agree the request for dispensation will result in the Returning Officer declaring a vacancy for the seat held by Councillor Billington. There may be reputational risks for the Council in failing to agree a dispensation in a timely manner, given the reason for Councillor Billington's absence.

Comments checked by:

Shona Ware, Assistant Director Customer Focus, shona.ware@cherwell-dc.gov.uk

Equalities and Inclusion Implications

- 7.4 There are no specific equalities or diversity issues associated with this report.

Comments checked by:

Shona Ware, Assistant Director Customer Focus, shona.ware@cherwell-dc.gov.uk

Sustainability Implications

- 7.5 There are no sustainability implications arising from this report.

Comments checked by:
Jo Miskin, Climate Action Manager, jo.miskin@cherwell-dc.gov.uk

8.0 Decision Information

Key Decision

Financial Threshold Met: N/A

Community Impact Threshold Met: N/A

Wards Affected

Kidlington East

Links to Corporate Plan and Policy Framework

N/A

Lead Councillor

N/A

Document Information

Appendix number and title

- None

Background papers

None

Report Author and contact details

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