



**OPEN REPORT
COUNCIL**

Council – 29 September 2022

DISPENSATIONS FOR NON-ATTENDANCE AT COUNCIL MEETINGS

Report of the Director of Corporate and Customer Services

Report Author and Contact Details

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Wards Affected

Brailsford

Report Summary

This report seeks a dispensation for two councillors in respect of a continued period of absence from Council and committee meetings for a period of two consecutive months until 30 November 2022 for Councillor Michele Morley and three months until 31 December 2022 for Councillor Sue Bull.

Recommendations

1. That approval be given to a dispensation for Councillor Michele Morley from attending meetings of the Council for a further period of two months until 30 November 2022, thus nullifying the disqualification to hold office for a six month period.
2. That approval be given to a dispensation for Councillor Sue Bull from attending meetings for a period of three months until 31 December 2022.

List of Appendices

None

Background Papers

[Report to Council - Dispensation for Non-Attendance at Council Meetings \(27 April 2022\)](#)

Minute 385/21 – Council Meeting (27 April 2022)

Consideration of report by Council or other committee

N/A

Council Approval Required

Yes

Exempt from Press or Public

No

Dispensation for Non-Attendance at Council Meetings

1. Background

- 1.1 In April 2022, Councillor Michele Morley gave notice to the Proper Officer that she would be unable to attend meetings of the Council, its committees or any outside bodies on which she represents the authority for medical reasons.
- 1.2 On 27 April 2022, the Council gave approval to a dispensation for Councillor Michele Morley from attending meetings of the Council for a period of six months commencing on 6 May 2022, thus nullifying the disqualification to hold office for a six month period (minute 385/21 refers). The current dispensation is due to end on 6 November 2022.
- 1.3 In the same meeting, Members noted that it would be necessary for the Council to consider a further report should an extension to the dispensation be necessary for a period of time beyond 6 November 2022.

2. Key Issues

- 2.1 Councillor Michele Morley has given notice to the Proper Officer that she will continue to be unable to attend meetings of the Council, its committees or any outside bodies on which she represents the authority for medical reasons. In providing this notice, an indication has been provided on her intention to return to Council duties before 30 November 2022.
- 2.2 Councillor Sue Bull has also given notice to the Proper Officer that she will be unable to attend meetings of the Council, its committees or any outside bodies on which she represents the authority for medical reasons. In providing this notice, an indication has been given that she intends to return to Council duties after 31 December 2022.
- 2.3 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 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."

3. Options Considered and Recommended Proposal

- 3.1 Pursuant to the above legislation, Council is asked to approve a dispensation for Councillor Michele Morley from attending meetings of the Council, its Committees or outside bodies, effective from 30 September 2022 and ending on 30 November 2022. Council is also asked to approve a dispensation for Councillor Sue Bull from attending meetings of the Council, its committees or outside bodies, effective from 30 September and ending on 31 December 2022. These are the recommended proposals.

4. Consultation

- 4.1 No consultation has taken place in respect of this proposal.

5. Timetable for Implementation

- 5.1 In the event that the Council agrees to extend the dispensation for Councillor Morley, this will take immediate effect and continue until 30 November 2022. If circumstances were to change and Councillor Morley were to attend a meeting of the authority then the dispensation would cease immediately.
- 5.2 Should the Council agree to provide a dispensation for Councillor Sue Bull, this will take immediate effect and continue until 31 December 2022. If circumstances were to change and Councillor Bull were to attend a meeting of the authority then the dispensation would cease immediately.

6. Policy Implications

- 6.1 The role of our elected members is crucial to the effectiveness of the organisation and connects to the key priorities in the corporate plan.

7. Financial and Resource Implications

- 7.1 Should a dispensation for Councillors Bull or Morley not be granted and the seats became vacant, there would no by-election required to fill the vacancies on the Council as the next election is due to take place on 4 May 2023. The financial risk is therefore assessed as low.

8. Legal Advice and Implications

- 8.1 The legal issues associated with this recommendation are detailed in the key issues of this report. The legal risk is assessed as low

9. Equalities Implications

- 9.1 There are no specific equalities or diversity issues associated with this report. The council is committed to fulfilling its obligations under the Equality Act 2010, including the Public Sector Equality Duty (Section 149). This duty includes a general duty and specific duties. The general duty requires public bodies to have 'due regard' to the need to:

- eliminate unlawful discrimination, harassment and victimisation and conduct prohibited by the Act,
- advance equality of opportunity between people from different groups; and
- foster good relations between people from different groups.

10. Climate Change Implications

- 10.1 A climate change impact assessment is not relevant in respect of the recommendations of this report. Therefore no assessment has been undertaken.

11. Risk Management

- 11.1 Failure to agree the requests for dispensation will not result in a by-election given the proximity to the next whole Council election in May 2023. There

may be reputational risks for the Council in failing to agree to a dispensation and an extension to the dispensation in a timely manner given the reasons for both councillors' absence.

Report Authorisation

Approvals obtained from:-

	Named Officer	Date
Chief Executive	Paul Wilson	21/09/2022
Director of Resources/ S.151 Officer (or Financial Services Manager)	Karen Henriksen	20/09/2022
Monitoring Officer (or Legal Services Manager)	James McLaughlin	20/09/2022