

# County Council

6 December 2023

**Request for Dispensation Under  
Section 85(1) of the Local Government  
Act 1972**



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## Report of Corporate Management Team

**Helen Bradley, Head of Legal and Democratic Services and  
Monitoring Officer**

### **Electoral division(s) affected:**

Deerness.

### **Purpose of the Report**

- 1 To request Council to approve a dispensation for a Member currently unable to attend any Council meetings due to ill-health.

### **Executive summary**

- 2 Section 85 of the Local Government Act 1972 states that where a Member fails throughout a period of six consecutive months from the date of their last attendance to attend any meeting of the authority, then, subject to certain exceptions, he/she ceases to become a Member of the authority unless the failure was due to some reason approved before the expiry of that period. A request for dispensation has been received which is recommended for approval.

### **Recommendation**

- 3 The Council is recommended to approve the request for dispensation under section 85(1) of the Local Government Act 1972.

## **Background**

- 4 Section 85(1) of the Local Government Act 1972 provides 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”.
- 5 Due to a period of ill-health Councillor Jean Chaplow has been unable to attend any meetings since 19 July 2023. The expiry of the six-month period in this case would be 18 January 2024.
- 6 The authority for granting a dispensation of this nature rests with full council.
- 7 The Monitoring Officer is aware of the reasons for Councillor Chaplow’s absence and considers it appropriate for Council to grant the dispensation.

## **Conclusion**

- 8 Unless the Council agrees the recommendation, Councillor Chaplow will cease to be a member of the Council on 18 January 2024.

## **Background papers**

None

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## **Appendix 1: Implications**

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### **Legal Implications**

A Councillor who fails to attend any meeting of the authority for six months ceases to be a Member unless a dispensation has been granted by the Authority concerned. The dispensation must be agreed before the expiry of the six-month period.

### **Finance**

Failure to agree the dispensation for Councillor Chaplow would result in a vacancy on the Council. If Councillor Chaplow did not attend a qualifying meeting by 18 January 2024 this would lead to a by-election being called. The Council would incur costs in respect of administering the by-election.

### **Consultation and Engagement**

None.

### **Equality and Diversity / Public Sector Equality Duty**

The Council should have regard to a Members' medical circumstances.

### **Human Rights**

None.

### **Crime and Disorder**

None.

### **Staffing**

None.

### **Accommodation**

None.

### **Risk**

In the event that Councillor Chaplow is unable to represent her constituents, communication should be maintained with Councillor D Nicholls and Councillor M Wilson the other Electoral Division Members for Deerness Electoral Division.

### **Procurement**

None.