

HARBOROUGH DISTRICT COUNCIL

REPORT TO THE COUNCIL MEETING OF 29 JUNE 2020

PUBLIC REPORT: Y / N

EXEMPT REPORT: Y / N

Paragraph 1 and 2 Section 100A Local Government Act 1972

Report Title	Dispensation under Section 85 of the Local Government Act 1972
Report Author	Verina Wenham, Chief Officer Governance and Monitoring Officer
Recommendation	1. That having regard to the circumstances of the absence of Councillor Johnson from Council meetings, set out in Appendix A, the requirements of Section 85 of the Local Government Act 1972 be waived until the end of the calendar year for Councillor Johnson from the date of this meeting.
Purpose of Report	To seek Council approval to grant a dispensation under section 85(1) of the Local Government Act 1972, Vacation of office by failure to attend meetings.
Reason for Decision	To consider a waiver of the six month rule under the Local Government Act 1972 and to excuse the non attendance of Councillor Barbara Johnson at Council meetings until the end of the calendar year.
Portfolio (holder)	Not applicable
Corporate Priorities	
Financial Implications	If Council approve the dispensation Councillor Johnson will continue to be entitled to receive her Members allowance.
Risk Management Implications	Once any Councillor loses office, through failure to attend for the six month period, the disqualification cannot be overcome by the Councillor subsequently resuming attendance nor can retrospective approval of the Council be sought for an extension in time
Environmental Implications	None as far as this report is concerned
Legal Implications	As set out in the body of this report
Equality Implications	None as far as this report is concerned
Data Protection Implications	None a far as this report is concerned.
Consultation	Leader of Council and Leader of the Opposition
Background Papers	Section 85 Local Government Act 1972
Appendices	Appendix A (Exempt)

1.0 BACKGROUND

- 1.1 Section 85(1) of the Local Government Act 1972 requires a member of a Local Authority to attend at least one meeting of the Authority within a six month consecutive period, in order to avoid being disqualified as a Councillor.
- 1.2 Unfortunately, for the reasons set out in Appendix A, Councillor Johnson has not been able to attend any Council or Committee meetings since the Council meeting on 27 January 2020. A formal request has therefore been made for an extension to the six month rule to be approved in this respect.
- 1.3 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 their 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 the period, cease to be a member of the Authority”.
- 1.4 The Council’s Chief Officer Governance and Monitoring Officer has received a request for the Council to consider approving an extension to the usual six month attendance rule for Councillor Johnson, enabling her to remain in office until she is able to resume normal duties.
- 1.5 Council can only consider approval of any reasons for non-attendance before the end of the relevant six month period, which will be 26 July 2020.
- 1.6 This is the final Council meeting at which approval could be sought for an extension of the time limit. If approval to any extension is not therefore agreed at this meeting Councillor Johnson would, under Section 85(1) of the Local Government Act 1972 be disqualified after 27 July 2020 from office as a Councillor. Under the circumstances, it is requested that Council waive the attendance requirement for Councillor Johnson until the end of the calendar year.