



| | |
|----------------------------|---|
| Council name | COTSWOLD DISTRICT COUNCIL |
| Name and date of Committee | FULL COUNCIL – 27 NOVEMBER 2024 |
| Subject | REQUEST FOR A DISPENSATION PURSUANT TO SECTION 85(1) OF THE LOCAL GOVERNMENT ACT 1972 |
| Wards affected | Northleach |
| Accountable member | Councillor Joe Harris, Leader of the Council Email: joe.harris@cotswold.gov.uk |
| Accountable officer | Angela Claridge, Director of Governance and Development (Monitoring Officer) Email: angela.claridge@cotswold.gov.uk |
| Report author | Caleb Harris, Senior Democratic Services Officer Email: caleb.harris@cotswold.gov.uk |
| Summary/Purpose | To determine whether a dispensation for Councillor Tony Dale may be granted under the provision of Section 85(1) of the Local Government Act 1972. |
| Annexes | None |
| Recommendation(s) | That Full Council resolves to: 1. Approve a dispensation for Councillor Tony Dale in accordance with Section 85(1) of the Local Government Act 1972, on the grounds of ill-health. |
| Corporate priorities | <ul style="list-style-type: none">Delivering Good Services |
| Key Decision | NO |
| Exempt | NO |
| Consultees/ | Business Manager for Democratic Services, Cotswold Local |



COTSWOLD

District Council

| | |
|--------------|------------------|
| Consultation | Management Team. |
|--------------|------------------|



1. EXECUTIVE SUMMARY

- 1.1** Councillors are required to attend at least one meeting within a rolling six-month period under Section 85(1) Local Government Act 1972 (vacation of office by failure to attend meetings).
- 1.2** Councillor Tony Dale has in recent months been unable to attend meetings of the authority due to ill-health. This report proposes that that the Council grants a dispensation to Councillor Dale in accordance with Section 85(1) Local Government Act 1972.

2. BACKGROUND

- 2.1** 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 his last attendance, to attend any meeting 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.'
- 2.2** Attendance is monitored and officers seek to work with Members where issues around attendance arise.
- 2.3** If there are reasonable mitigating circumstances which may prevent a Member from attending meetings for a rolling period longer than 6 months, it is open to the Council to grant a dispensation from the consequences of not being in attendance.

3. MAIN POINTS

- 3.1** Councillor Tony Dale's last recorded meeting attendance was to the Gloucestershire City Region Board on 7 June 2024 as the Council's appointed representative on this outside body.
- 3.2** Officers have determined that as Cabinet had approved the creation of and delegated functions to the City Region Board around the promotion of economic wellbeing, that this would be seen as his last attendance for the purposes of Section 85 of the Local Government Act 1972.
- 3.3** Due to ill-health following a serious car accident, Councillor Dale has not been able to perform his duties as a Councillor.



3.4 Councillor Dale's Cabinet responsibilities have been covered by the Leader and the monitoring of constituency casework through officers.

3.5 Whilst Councillor Dale is expected to make a full recovery in due course, granting a dispensation is deemed appropriate given the circumstances.

4. ALTERNATIVE OPTIONS

4.1 Council could determine not to agree a dispensation. This would then mean that Councillor Dale would cease to be a Councillor on 7 December 2024. Given the mitigating circumstances that has prevented Councillor Dale's attendance, this is not seen as an appropriate option and is not recommended.

5. FINANCIAL IMPLICATIONS

5.1 There are no financial implications arising from the report.

6. LEGAL IMPLICATIONS

6.1 There are no specific legal implications arising from the report.

7. RISK ASSESSMENT

7.1 There are none arising for the Council.

8. EQUALITIES IMPACT

8.1 There are no equalities impacts arising from this decision.

9. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS

9.1 There are no specific climate and ecological emergency implications.

10. BACKGROUND PAPERS

10.1 None

(END)