

**Eden District Council
Accounts and Governance Committee**

27 September 2018

Request for Dispensation for Attendance

Report from:	Deputy Chief Executive
Wards:	Kirkby Stephen
OPEN PUBLIC ITEM	

1 Purpose

- 1.1 To advise Members of a request for a dispensation to a Member who is currently unable to attend any Council meetings due to illness and ask them to endorse the request.

2 Recommendation

That a dispensation be granted for Councillor Trevor Ladhams from attending meetings of the Council by reason of illness for a period of six months commencing on 27 September 2018. Any extension to the dispensation to be subject to a further approval by the Committee at the appropriate time.

3 Report Details

- 3.1 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.
- 3.2 The Accounts and Governance Committee has authority to grant a dispensation for attendance at Council meetings for Councillors in circumstances when it is likely that the Councillor may be absent for six consecutive months from the date of the last attendance.
- 3.3 This Committee previously granted a dispensation for attendance to Councillor Ladhams which expired on 31 January 2016 due to an injury. There has been a re-occurrence of this injury, and Councillor Ladhams has requested that a dispensation be sought. Councillor Ladhams's last attendance at a meeting was at Council on 12 July 2018.
- 3.4 Councillor Ladhams is still reading emails and reports, and dealing with any issues within his ward that occur as much as possible. Kirkby Stephen is a two member ward. Councillor Ladhams is in contact with Councillor Kendall who also represents the Kirkby Stephen Ward in order to ensure that any issues are picked up.
- 3.5 A dispensation would allow him to attend if he were able but for his apologies to be given if necessary. The circumstances are considered sufficient to merit then grant of a dispensation from attendance. The matter of any potential

extension to the dispensation shall be considered at the appropriate time by the Committee should the need arise.

4 Policy Framework

4.1 The Council has four corporate priorities which are:

- Decent Homes for All;
- Strong Economy, Rich Environment;
- Thriving Communities; and
- Quality Council

4.2 This report meets the Quality Council corporate priority.

4.3 The Council's policy stipulates that members who foresee that they will be unable to attend meetings for a longer period of up to six months (for example due to illness) may seek a dispensation from the Accounts and Governance Committee.

4.4 Members would ordinarily have to give apologies for and explain any non-attendance at meetings. A Member may be subject to a referral to this Committee for a failure to attend meetings. This Committee does consider Members' attendance and the dispensation is proposed in this case to prevent any referral to or requirement to make an explanation to the Committee, or his automatic cessation of being a Member due to non-attendance.

5 Consultation

5.1 Councillor Ladhams has been consulted fully throughout this process and agrees with the report's recommendation.

6 Implications

6.1 Financial and Resources

6.1.1 Any decision to reduce or increase resources or alternatively increase income must be made within the context of the Council's stated priorities, as set out in its Council Plan 2015-19 as agreed at Council on 17 September 2015.

6.1.2 There are no proposals in this report that would reduce or increase resources.

6.2 Legal

6.2.1 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 has to be given before the expiry of the six month period.

6.3 Human Resources

6.3.1 There are no Human Resources implications

6.4 Statutory Considerations

Consideration:	Details of any implications and proposed measures to address:
Equality and Diversity	The Council should have regard to a Members' medical circumstances in relation to any non-attendance

Health, Social Environmental and Economic Impact	The Council should have regard to a Members' medical circumstances in relation to any non-attendance
Crime and Disorder	None arising from this report
Children and Safeguarding	None arising from this report

6.5 Risk Management

Risk	Consequence	Controls Required
That Councillor Ladhams is unable to attend Council meetings and his membership of the Council lapses	That the Council would be required to hold a by-election due to a lapsed Membership of the Council	That the Committee considers requests for dispensation on their merit to ensure that Members concerned are not in breach of the law and the Council's policy on attendance.

7 Other Options Considered

7.1 No other options have been considered in relation to this report.

8 Reasons for the Decision/Recommendation

8.1 To comply with legislation and the agreed policies of the Council and enable a dispensation to be given because of the medical circumstances for Councillor Ladhams to allow him time to recuperate without the prospect of ceasing to be a Member.

Tracking Information

Governance Check	Date Considered
Chief Finance Officer (or Deputy)	14 September 2018
Monitoring Officer (or Deputy)	19 September 2018
Relevant Assistant Director	9 September 2018

Background papers: CLS87/15 Request for Dispensation for Attendance Report

Appendices: N/A

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