

Eden District Council  
Accounts and Governance Committee

8 September 2022

## Request for Dispensation for Attendance at Council Meetings

<b>Report from:</b>	Assistant Director Legal and Democratic Services
<b>Wards:</b>	Penrith South
<b>OPEN PUBLIC ITEM</b>	

### 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 personal circumstances and to ask Committee to consider granting a dispensation.

### 2 Recommendation

It is recommended that a dispensation be granted to Councillor Helen Fearon from attending meetings of the Council for a six-month period by reason of her personal circumstances.

### 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 the 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 Councillor Fearon's most recent attendance at a Committee of the Council was at the meeting of Full Council on the 28 April 2022.
- 3.4 Councillor Fearon has advised the Monitoring Officer of personal circumstances that may affect her attendance at meetings of the Council for this 6 month period. The Monitoring Officer considers the circumstances provided are sufficient to grant the dispensation. A dispensation will allow Councillor Fearon to attend Committees of the Council if she is able, and for her apologies to be given if necessary.
- 3.5 Councillor Fearon will continue to monitor and deal with constituent enquiries that arise within her ward by email and telephone.
- 3.6 Democratic Services do provide support to Members in delivering their community leadership role and in undertaking their duties as ward Councillors.

This support will be available to Councillor Fearon and help mitigate the risk of constituents being unrepresented in the interim.

## **4 Policy Framework**

4.1 The Council has four corporate priorities which are:

- Sustainable;
- Healthy, safe and secure;
- Connected; and
- Creative

4.2 This report meets the sustainable corporate priority.

## **5 Consultation**

5.1 Councillor Fearon has been consulted throughout this process and agrees with the recommendation set out within this report.

## **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 2019-2023 as agreed at Council on 7 November 2019.

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

### **6.2 Legal**

6.2.1 Section 85 of the Local Government Act 1972 states that where a Councillor fails to attend any meeting of the authority for six months, they cease to be a Member of the Authority unless a dispensation has been granted by the Authority concerned. The dispensation has to be given before the expiry of the six month period. In Councillor Fearon's case, this will be October 28 2022.

### **6.3 Human Resources**

6.3.1 There are no human resources implications.

### **6.4 Environmental**

6.4.1 There are no environmental implications.

### **6.5 Statutory Considerations**

<b>Consideration:</b>	<b>Details of any implications and proposed measures to address:</b>
Equality and Diversity	None arising from this report.
Health, Social Environmental and Economic Impact	None arising from this report.
Crime and Disorder	None arising from this report.
Children and Safeguarding	None arising from this report.

## 6.6 Risk Management

<b>Risk</b>	<b>Consequence</b>	<b>Controls Required</b>
That Councillor Fearon is unable to represent her constituents.	Constituents are unrepresented.	Councillor Fearon will still monitor her emails. Democratic Services are available to provide support on constituent casework when required.

## 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 the legislation and agreed policies of the Council and enable a dispensation to be given because of the personal circumstances of Councillor Fearon.

### Tracking Information

<b>Governance Check</b>	<b>Date Considered</b>
<b>Chief Finance Officer (or Deputy)</b>	N/A
<b>Monitoring Officer (or Deputy)</b>	30 August 2022
<b>Relevant Assistant Director</b>	N/A

**Background Papers:** None

**Appendices:** None

**Contact Officer:** Lewis Powell, Democratic Services Officer