

Bolsover District Council

Council

21 July 2021

COUNCILLOR DISPENSATION

Report of the Joint Head of Corporate Governance & Monitoring Officer

Classification: By request of the Councillor that this matter concerns, this report will be considered in public session.

Report By: Sarah Sternberg, Monitoring Officer

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PURPOSE / SUMMARY

To give consideration to an application by a Member of Bolsover District Council for dispensation from the 'six month rule' requiring them to attend meetings.

RECOMMENDATIONS

That Council:

1. determines whether Councillor Ross Walker be granted a dispensation from attending meetings of the Council and its Committees under Section 85 of the Local Government Act 1972 'six month rule';
2. agrees that if a dispensation is granted to Councillor Walker it should run for six months, commencing on Wednesday 26 May 2021 and expiring on Friday 26 November 2021; and
3. requests for Councillor Walker to be informed of the Council's decision on this matter.

Approved by the Portfolio Holder – Corporate Governance

IMPLICATIONS

Finance and Risk: Yes No

Details:

There are no financial implications associated with the approval of the dispensation request. In this scenario Councillor Walker would remain an elected Member and receive his Members' Allowance. Costs would accrue in the event that a by-election

had to be held should he breach the six-month rule and forfeit his position on the Authority. Whilst an additional expenditure, this can be met within existing budgets made for this purpose.

On Behalf of the Section 151 Officer

Legal (including Data Protection): Yes No

Details:

Section 85 of the Local Government Act 1972 places an obligation on Councillors to attend a meeting of their Authority at least once every six months. If they fail to comply with this then they automatically cease to be a Member of that Council. The Council is afforded provision to offer dispensation to an individual Member from the 'six-month rule' if it concludes that there were appropriate reasons for doing so.

On Behalf of the Solicitor to the Council

Staffing: Yes No

Details:

On behalf of the Head of Paid Service

DECISION INFORMATION

Decision Information	
<p>Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds:</p> <p>BDC: Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input checked="" type="checkbox"/></p> <p>NEDDC: Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/></p> <p><input checked="" type="checkbox"/> Please indicate which threshold applies</p>	No
<p>Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)</p>	No
<p>District Wards Significantly Affected</p>	Clowne East Ward
<p>Consultation: Leader / Deputy Leader <input checked="" type="checkbox"/> Cabinet / Executive <input type="checkbox"/> SAMT <input type="checkbox"/> Relevant Service Manager <input checked="" type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/></p>	Yes Details: Click here to enter text.

Links to Council Ambition (BDC)/Council Plan (NED) priorities or Policy Framework including Climate Change, Equalities, and Economics and Health implications.

All

REPORT DETAILS

1 Background

- 1.1 Councillor Ross Walker has requested a dispensation from attending Council meetings. He has made this request for health reasons and this is detailed within Appendix 1 to the report.
- 1.2 The last meeting which Councillor Walker attended was Council on 3 February 2021. He is unlikely to be able to attend another meeting before 3 August 2021, when Section 85 of the Local Government Act 1972 would automatically apply. In particular, because he would not have attended 'any meeting of the Authority' for six months by that point he would automatically cease to be a Councillor.
- 1.3 The interpretation of 'any meeting of the Authority' is loosely defined in law. It covers meetings of Council, Committees or Sub Committees (either as an appointed, substitute or visiting Member), officially established Working Groups (of which they are a Member) and meetings of an Outside Body, to which they have been appointed by Council.
- 1.4 Standards Committee has recently agreed a proposed Code of Practice on the Application on the 6 Month Rule and Notification Processes and other means of vacating office.

2. Details of Proposal or Information

- 2.1 Council are able to grant a dispensation to Councillor Walker so that he does not have to attend a meeting for a specified period. If Council decide to do this then he would remain in office.
- 2.2 Council may decide not to grant Councillor Walker a dispensation. He would cease to be a Councillor unless he had attended a meeting by 3 August 2021. A by-election would then have to be held in order to fill the vacancy on the Council.
- 2.3 Members have previously indicated that any dispensations which are granted ought to run for six months.

3 Reasons for Recommendation

- 3.1 The decision on whether or not to grant a dispensation should be based on Councillor Walker's role as Councillor and the impact it would have on the local community.

4 Alternative Options and Reasons for Rejection

- 4.1 Council has the option not to consider the application for a dispensation for Councillor Walker. This option is not recommended as it would create uncertainty for Councillor Walker, his family and the ward which he represents.

DOCUMENT INFORMATION

Appendix No	Title
1	Request from Cllr Ross Walker
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	