

BOLSOVER DISTRICT COUNCIL

Meeting of Council on 29th July 2026

Councillor Dispensation

Report of the Strategic Director of Legal, Governance and Monitoring Officer

Classification	This report is Public
Contact Officer	Strategic Director of Legal, Governance and Monitoring Officer
Is this a Key Decision?	Yes ☐ No ☒

PURPOSE/SUMMARY OF REPORT

To consider whether to a dispensation to a Member of Bolsover District Council from the 'six month rule' requiring them to attend meetings.

REPORT DETAILS

1. Background

- 1.1 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 their last attendance, to attend any meeting of the Authority they will, unless the failure was due to some good reason approved by the Authority before the expiry of that period, cease to be a member of the Authority."
- 1.2 Attendance can be at any committee or sub-committee, or any joint committee, joint board or other body where the functions of the Council are discharged or who were appointed to advise the Council on any matter relating to the discharge of their functions. This requirement can be waived, and the time limit extended if any failure to attend was due to a reason approved by the Council in advance of the six-month period expiring.
- 1.3 Unfortunately, due to illness Councillor Hiney-Saunders has been unable to attend a meeting since Planning Committee on the 18th February 2026.
- 1.4 Council can only consider approval of any reasons for non-attendance before the end of the relevant six month period which will be 17th August 2026.
- 1.5 The Council's Strategic Director of Legal, 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 Hiney-Saunders, enabling him to remain in office.

- 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 Hiney-Saunders would, under Section 85(1) of the Local Government Act 1972 be disqualified after 17th August from office as a Bolsover District Councillor.

2. Details of Proposal or Information

- 2.1 To consider the approval of a dispensation for Councillor Hiney-Saunders from attending meetings of the Council in order to avoid him potentially ceasing to be a Member of the authority under Section 85 of the Local Government Act 1972.

3. Reasons for Recommendation

- 3.1 It is for the Council to determine whether it approves the reason for his non-attendance.

4 Alternative Options and Reasons for Rejection

- 4.1 Council has the option to refuse the application for a dispensation for Councillor Hiney-Saunders.
- 4.2 The Council could grant an open-ended dispensation which would allow Cllr Hiney Saunders to remain a member of the Council until the end of his office with no further attendance required. District Council elections are due to be held in May 2027, however due to Local Government Reorganisation the elections are highly likely to be deferred. This would mean that Cllr Hiney-Saunders's dispensation would remain in place until 31st March 2028. It is not considered to be good practice to grant a dispensation for such a long period. The recommendation in this report is for a six month dispensation which can be extended on review before it expires.

RECOMMENDATION(S)

That Council:

1. Approves a dispensation to Councillor Hiney-Saunders in accordance with Section 85(1) of the Local Government Act 1972 until 28th January 2027 from attending meetings of the Council and its Committees.

Approved by Councillor Donna Hales, Deputy Leader & Portfolio Holder
for Corporate Governance

A. Finance and Risk	Yes ☐	No ☒
Details: There are no financial implications arising from this report.		
On behalf of the Section 151 Officer		

B. Legal (including Data Protection)	Yes ☒	No ☐
Details: Unlike requests for dispensations under S.33 Localism Act 2011, there are no prescribed grounds upon which a dispensation such as the one requested must be granted, save that the reasons upon which the request is based must be considered to be "good"		
On behalf of the Solicitor to the Council		

C. Staffing	Yes ☐	No ☒
Details: There are no staffing implications arising from this report.		
On behalf of the Head of Paid Service		

D. Local Government Reorganisation (LGR)	Yes ☐	No ☒

E. Environment	Yes ☐	No ☒
Details: There are no Environmental implications arising from this report		

F. Equality and Diversity	
<i>You can assess the impact by considering whether the equality evidence indicates potential differential impact on each protected characteristic group or provides an opportunity to improve equality in an area.</i>	
<i>We ask colleagues to do an Equality Impact Assessment (EIA) when refreshing policies/guidance/plans or creating new ones.</i>	
Have you considered equality impacts in relation to the topic of this report?	Yes ☐ No ☒
If this is a new or refresh of a policy, guidance or plan, have you carried out an EIA?	Yes ☐ No ☒

DECISION INFORMATION

G. Is the decision a Key Decision?	Yes ☐ No ☒
A Key Decision is an Executive decision which has a significant impact on two or more wards in the District, or which results in income or expenditure to the Council above the below thresholds: -	
☒ Please indicate which threshold applies: Revenue (a) Results in the Council making Revenue Savings of £75,000 or more or (b) Results in the Council incurring Revenue Expenditure of £75,000 or more. Capital (a) Results in the Council making Capital Income of £150,000 or more or (b) Results in the Council incurring Capital Expenditure of £150,000 or more.	Yes ☐ No ☐ (a) ☐ (b) ☐
District Wards Significantly Affected: <i>(to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the District)</i> Please state which wards are affected or tick All if all wards are affected.	All ☐ Wards:
<i>All key decisions are subject to Scrutiny call-in unless the call-in period is to be waived, however, exemption from call-in is only with the agreement of the Monitoring Officer.</i> Is this Key Decision subject to Scrutiny Call-In? (leave blank if not a key decision) If No, has the Monitoring Officer agreed?	Yes ☐ No ☒ Yes ☐
Consultation carried out: <i>(this is any consultation carried out prior to the report being presented for approval)</i> Leader ☐ Deputy Leader ☐ Executive ☐ SLT ☐ Relevant Service Manager ☐ Members ☐ Public ☐ Other ☐ Details: -	Yes ☐ No ☒
Links to Council Ambition: Customers, Economy, Environment, Housing	

DOCUMENT INFORMATION	
Appendix No	Title

Background Papers
<i>(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 Executive you must provide copies of the background papers).</i>
None.