

STROUD DISTRICT COUNCIL

COUNCIL

THURSDAY, 20 OCTOBER 2022

Report Title	DISPENSATION UNDER SECTION 85 LOCAL GOVERNMENT ACT 1972			
Purpose of Report	To approve the absences of Councillor David Mossman and Councillor Jason Bullingham from Council meetings due to ill health			
Decision(s)	Council RESOLVES to: a) Authorise Councillor Mossman to be absent from all meetings of the Authority for a 6 month period with effect from 21 October 2022. b) Authorise Councillor Bullingham to be absent from all meetings of the Authority for a 6 month period with effect from 21 October 2022.			
Consultation and Feedback	Group Leaders			
Report Author	Stephen Taylor, Interim Monitoring Officer Email: stephen.taylor@stroud.gov.uk			
Options	The options are either to grant the dispensations, or decline to do so.			
Background Papers	None			
Appendices	None			
Implications	Financial	Legal	Equality	Environmental
	No	Yes	No	No

1. REQUESTS FOR DISPENSATION

- 1.1 Section 85 of the Local Government Act 1872 provides 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, he 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.*”
- 1.2 At its meeting on 17 February 2022, Councillor David Mossman was given a six month dispensation from attendance at meetings of the Authority for the reason that he was in a vulnerable high risk group due to undergoing regular medical treatment and so was unable to attend meetings at all or with any regularity.
- 1.3 Subsequently, Councillor Mossman attended a meeting of the Council on the 19 May 2022 but has not been able to attend any meeting since then. Accordingly, a further dispensation is requested to enable him to remain a member of the Council.

- 1.4 Councillor Jason Bullingham last attended a meeting of the authority when he was present at a meeting of the Development Control Committee on 3 May 2022. Section 85(2) of the 18972 Act deems attendance at a meeting of a committee or sub-committee or other council body to be attendance at a meeting of the authority.
- 1.5 Due to health issues, Councillor Bullingham has not been able to attend a meeting since then and, accordingly, a dispensation to enable him to remain a member of Council.
- 1.6 As previously stated, this does not preclude Councillor Mossman or Councillor Bullingham from attending a future meeting during that period should either be well enough to do so.

2. IMPLICATIONS

2.1 Financial Implications

There are no significant implications within this category

Andrew Cummings, Strategic Director of Resources
Email: andrew.cummings@stroud.gov.uk

2.2 Legal Implications

As detailed in the body of the report, section 85 of the Local Government Act 1972 ('LGA') 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 shall cease to be a member of the authority.

The only exception is if their non-attendance has been approved by the authority before the expiry of that period. Section 85(1) of the LGA allows an authority to grant dispensation for such absence providing the dispensation is granted before the 6 month period of absence has expired.

One Legal
Tel: 01684 272012 Email: legalservices@onelegal.org.uk

2.3 Equality Implications

There are not any specific changes to service delivery proposed within this decision.

2.4 Environmental Implications

There are no significant implications within this category.