

Cheltenham Borough Council

Full Council – 16 December 2024

Dispensation under section 85 Local Government Act 1972

Accountable member:

Councillor Rowena Hay, Leader of the Council

Accountable officer:

Claire Hughes, Director of Governance and Customer Services (Monitoring Officer)

Ward(s) affected:

n/a

Key Decision: No

Executive summary:

This report is a request for Council to grant a dispensation to Councillor Julia Chandler under section 85 of the Local Government Act 1972

Recommendations:

1. Council authorises Councillor Julia Chandler to be absent from all meetings of the Authority for a period of 6 months with effect from 16 December 2024.
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1. Implications

1.1 Financial, Property and Asset implications

There are no financial implications associated with this report.

Signed off by: Gemma Bell, Director of Finance and Assets gemma.bell@cheltenham.gov.uk

1.2 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.

Signed off by: Claire Hughes, Director of Governance and Customer Services (Monitoring Officer)
claire.hughes@cheltenham.gov.uk

1.3 Environmental and climate change implications

There are no environmental or climate change implications associated with this report.

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1.4 Corporate Plan Priorities

This report contributes to the following Corporate Plan Priorities:

- Being a more modern, efficient and financially sustainable council

1.5 Equality, Diversity and Inclusion Implications

N/A

1.6 Performance management – monitoring and review

N/A

2 Request for Dispensation

2.1 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.”

2.2 Due to ill health Councillor Chandler was last able to attend a meeting of the authority on 17 June 2024.

2.3 Council is now asked to authorise that Councillor Chandler may be absent from meetings for a period of up to six months. Without such authorisation Councillor Chandler will cease to be a member of Cheltenham Borough Council.

2.4 The granting of a dispensation does not preclude Councillor Chandler from attending a meeting in the 6-month period should she be well enough to do so.

3 Alternative options considered

3.1 Council could decide not to grant the dispensation in which case Councillor Chandler would cease to

be an elected member of Cheltenham Borough Council with effect from 17 December 2024

Report author:

Claire Hughes, Director of Governance and Customer Services (Monitoring Officer)

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