

Gloucester City Council

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| Meeting: | Council | Date: | 16 November 2023 |
| Subject: | Council Membership – Dispensation | | |
| Report Of: | Monitoring Officer | | |
| Wards Affected: | All | | |
| Key Decision: | No | Budget/Policy Framework: | No |
| Contact Officer: | Alice McAlpine, Monitoring Officer | | |
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| Appendices: | None | | |

FOR GENERAL RELEASE

1.0 Purpose of Report

1.1 For Council to consider granting a dispensation, via the council's Managing Director, pursuant to Section 85 of the Local Government Act 1972, to Councillor Pullen whose current leave of absence will exceed six months on 4 December 2023.

2.0 Recommendations

2.1 Council is asked to **RESOLVE** that:

- (1) A period of absence from meetings by Councillor Terry Pullen pursuant section 85 of the Local Government Act 1972 is approved.
- (2) The Monitoring Officer is authorised to extend Councillor Terry Pullen's current period of absence for up to three months, to 3 March 2023.

3.0 Background and Key Issues

3.1 On 5 June 2023 Cllr Pullen attended a meeting of the council's Overview and Scrutiny Committee and has not been able to attend a subsequent meeting due to ill health.

3.2 Under section 85 of the Local Government Act 1972 a councillor will cease to be a member if they fail to attend meetings of the council for a period of six months without prior approval. Cllr Pullen has been unable to attend a meeting of the council in the past 6 months. A decision of Council is required to approve Cllr Pullen's period of absence as there is no discretion to extend the 6-month period of absence under the Local Government Act 1972 or the constitution and if not approved an automatic disqualification will occur on 5 December 2023.

4.0 Social Value Considerations

4.1 Not applicable.

5.0 Environmental Implications

5.1 Not applicable.

6.0 Alternative Options Considered

6.1 To not grant Cllr Pullen a three-month extension to his leave of absence. This is not recommended. Cllr Pullen has taken a period of leave due to ill health.

7.0 Reasons for Recommendations

7.1 The proposed extension is recommended because it is a reasonable period within which the councillor may return to public duties.

8.0 Future Work and Conclusions

8.1 Not applicable

9.0 Financial Implications

9.1 There are no direct financial implications arising from the recommendations.

(Financial Services have been consulted in the preparation this report.)

10.0 Legal Implications

10.1 Section 85(i) of the Local Government Act 1972 states “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 Council.

10.2. Attendance in an official capacity at a meeting of a committee or sub-committee of the council or at any meeting of a joint committee or other such body discharging functions of the council or at any meeting as a representative of the council is deemed to be a ‘meeting of the council’.

10.3 After six months from the date of a member’s last attendance to attend any meeting, the council has not approved the absence then the member as a result of the operation of law ceases to be a member of the council from that date. The six months runs from the date of the member’s last attendance and approval must be given within that six-month period.

10.4 Once approval had been given and it can be for no more than 6 months prospectively or retrospectively or a combination of both – this statutory six-month period begins to run from the end of the period for which approval has been given.

(The Monitoring Officer has been consulted in the preparation this report.)

11.0 Risk & Opportunity Management Implications

11.1 Not Applicable

12.0 People Impact Assessment (PIA) and Safeguarding:

12.1 The PIA Screening Stage was completed and did not identify any potential or actual negative impact; therefore, a full PIA was not required.

13.0 Community Safety Implications

13.1 Not applicable

14.0 Staffing & Trade Union Implications

14.1 Not applicable

Background Documents: None