

REPORT TITLE: DISPENSATION CONSIDERATION

26 FEBRUARY 2020

REPORT OF MONITORING OFFICER

Contact Officer: LISA KIRKMAN Tel No: 01962 848501 Email  
lkirkman@winchester.gov.uk

WARD(S): ST MICHAEL

RECOMMENDATIONS:

1. To approve a dispensation for Councillor Murphy from attending meetings of the Council on the grounds of ill health, for a period of six months commencing on 6 May 2020 thus nullifying the disqualification to hold office for a six month period.
2. To note that any extension to the dispensation for Councillor Murphy after the six month period ends on 6 November 2020, will require further approval in accordance with recommendation 1 above.

IMPLICATIONS:1 COUNCIL PLAN OUTCOME

- 1.1 This report seeks a dispensation to a Councillor for non-attendance at council meetings for a period of six consecutive months. The role of our elected members is crucial to the effectiveness of the organisation and connects to the key priorities in the council plan of Tackling the Climate Emergency and creating a greener district, Homes for All, A Vibrant Local Economy, Living Well and Your Services, Your Voice

2 FINANCIAL IMPLICATIONS

- 2.1 Failure to agree the dispensation for Councillor Murphy would result in a vacancy on the Council and a by-election would need to be called, which would incur costs in respect of administering the election.

3 LEGAL AND PROCUREMENT IMPLICATIONS

- 3.1 The legal issues associated with this report are detailed in paragraph 12 of this report.

4 WORKFORCE IMPLICATIONS

- 4.1 None

5 PROPERTY AND ASSET IMPLICATIONS

- 5.1 Not applicable

6 CONSULTATION AND COMMUNICATION

- 6.1 Not applicable

7 ENVIRONMENTAL CONSIDERATIONS

- 7.1 None

8 EQUALITY IMPACT ASSESSEMENT

There are no specific equalities or diversity issues associated with this report. The council is committed to fulfilling its obligations under the Equality Act 2010, including the Public Sector Equality Duty (Section 149), general and specific duties. Public bodies have to have 'due regard' to the need to:

- eliminate unlawful discrimination, harassment and victimisation and conduct prohibited by the Act
- advance equality of opportunity between people from different groups; and

- foster good relations between people from different groups.

## 9 DATA PROTECTION IMPACT ASSESSMENT

9.1 None required.

## 10 RISK MANAGEMENT

<b>Risk</b>	<b>Mitigation</b>	<b>Opportunities</b>
<i>Property</i>		
<i>Community Support</i>		
<i>Timescales</i>		
<i>Project capacity</i>		
<i>Financial / VfM</i>		
<i>Legal</i>		
<i>Innovation</i>		
<i>Reputation</i>	Failure to agree the request for a dispensation will result in the Returning Officer declaring a vacancy for the seat held by Councillor Murphy and a by-election would be necessary. There may be reputational risks for the Council in failing to agree a dispensation in a timely manner, given the reason for Councillor Murphy's absence.	
<i>Other</i>		

## 11. SUPPORTING INFORMATION:

### 11.1. Main Considerations

Councillor Lynda Murphy has been unable to attend meetings of the Council, its committees or any outside bodies on which she represents the authority on the grounds of ill health. Her last attendance at a qualifying meeting was on the 6 November 2019 when she attended council.

### 11.2. The proposal

To consider the request to grant the dispensation.

- 11.3. 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 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”*

- 11.4. Pursuant to the above legislation, Council is asked to approve a dispensation for Councillor Murphy from attending meetings of the Council, its Committees or outside bodies due to ill health from 6 May 2020, ending on the 6 November 2020. Unless Council agrees the recommendation, Councillor Murphy will cease to be a member of the Council on the 6 May 2020.

Any extension to this dispensation for Councillor Murphy will be subject to further consideration and approval by Council at the time, (before 6 November 2020) in accordance with paragraphs 12.5 and 12.6 above.

- 11.5. Conclusion

Approval is sought for a dispensation for Councillor Murphy from attending meetings of the Council for a period of six months commencing 6 May 2020, thus nullifying the disqualification to hold office for a six month period.

## 12 OTHER OPTIONS CONSIDERED AND REJECTED

Not agreeing to the proposed dispensation would result in the councillor losing the seat and this is not recommended in the circumstances.

### BACKGROUND DOCUMENTS:-

Previous Committee Reports:-None

Other Background Documents:- None

APPENDICES:-None