



Bothenhampton & Walditch

Parish Council since 1886

## **REQUEST FOR DISPENSATION UNDER SECTION 85(1) OF THE LOCAL GOVERNMENT ACT 1972**

### **Introduction**

To seek Parish Council approval to grant a dispensation under section 85(1) of the Local Government Act 1972, Vacation of office by failure to attend meetings.

### **Background Information**

Section 85(1) of the Local Government Act 1972 requires a member of a Local Authority to attend at least one meeting of the Authority within a six-month consecutive period, in order to avoid being disqualified as a Councillor.

Unfortunately, due to illness, Councillor Dobbs has not been able to attend any Parish Council or Committee meetings since the Main Committee Meeting on 10<sup>th</sup> February 2020. A formal request has therefore been made for an extension to the six-month rule to be approved in this respect.

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, he shall, unless the failure was due to some reason approved by the Authority before the expiry of the period, cease to be a member of the Authority”.

The Clerk has received a request to consider approving an extension to the usual six-month attendance rule for Councillor Dobbs, enabling him to remain in office until he is able to resume normal duties.

The Parish Council can only consider approval of any reasons for non-attendance before the end of the relevant six-month period, which will be 10<sup>th</sup> August 2020.

Councillor Dobbs was elected to the Council in May 2019 and represents Bothenhampton Ward within the Bothenhampton and Walditch Parish.

The Clerk has convened an Extraordinary General 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 Dobbs would, under Section 85(1) of the Local Government Act 1972, be disqualified after 10<sup>th</sup> August 2020 from office as a Councillor.

### **Options available**

Approve or not approve an extension to the six-month rule for Councillor Dobbs.

**Legal/Human Rights Implications**

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 before the expiry of the period, cease to be a member of the Authority”.

**Financial Implications**

None

**Risk Assessment**

Once any Councillor loses office, through failure to attend for the six-month period, the disqualification cannot be overcome by the Councillor subsequently resuming attendance nor can retrospective approval of the Council be sought for an extension in time.

**Recommendation:** That the reason provided for non-attendance at Council meetings by Councillor Dobbs is approved pursuant to Section 85(1) of the Local Government Act 1972, on the basis that the resolution is applied to take effect on 10<sup>th</sup> August 2020 until the council term ends in May 2024.

Dated 5<sup>th</sup> August 2020

Tan Cox  
Clerk & RFO