



SOUTH
KESTEVEN
DISTRICT
COUNCIL

Council

3 March 2022

Report of: Alan Robinson, Monitoring Officer



Dispensation for Councillor Attendance

To consider a dispensation under the Local Government Act 1972 to excuse the non-attendance of Councillors Rosemary Kaberry-Brown and Judy Smith at a meeting of the Council within a six-month period.

Report Author

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Recommendation (s) to the decision maker (s)

1. That a dispensation for Councillors Rosemary Kaberry-Brown and Judy Smith from attending meetings of the Council to avoid disqualification as Members of South Kesteven District Council under Section 85 of the Local Government Act 1972 be approved.

1 The Background to the Report

1.1 Section 85(1) 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 their last attendance, to attend any meeting of the Authority they will, unless the failure was due to some good reason approved by the Authority before the expiry of that period, cease to be a Member of the Authority”.

1.2 Attendance can be at any committee or body where the functions of the Authority are discharged, or any committee or body appointed to advise the Authority on any matter relating to the discharge of its functions.

1.3 The requirement to attend a meeting within the six-month period can be waived and the time limit extended if any failure to attend was due to a reason approved by the Authority, in advance of the six-month period expiring.

1.4 Councillor Judy Smith’s last attendance was at Full Council on 30 September 2021. Due to personal circumstances, Councillor Smith has been prevented from undertaking normal duties and has not attended another meeting of the Authority since.

1.5 Councillor Rosemary Kaberry-Brown’s last attendance was at the Planning Committee on 28 October 2021. Due to personal circumstances, Councillor Kaberry-Brown has been prevented from undertaking normal duties and has not attended another meeting of the Authority since.

1.6 Council is requested to approve a dispensation under the Local Government Act 1972 to excuse the non-attendance of Councillors Rosemary Kaberry-Brown and Judy Smith on the grounds that they have been physically unable to attend meetings due to their personal circumstances.

1.7 Should any Member lose office through failure to attend a meeting throughout a period of six consecutive months, the disqualification cannot be overcome by the Member subsequently resuming attendance. In addition, retrospective approval by the Council cannot be sought.

1.8 If the Council decided not to approve the dispensation, subject to continued non-attendance, casual vacancies would arise on the Authority on 31 March 2022 and 29 April 2022, respectively.

2 Financial Implications

2.1 There are no financial implications arising from this report.

Financial Implications reviewed by: Richard Wyles, Assistant Director of Finance and Section 151 Officer

3 Legal and Governance Implications

3.1 The legal and governance implications are set out in the body of the report.

Legal Implications reviewed by: Graham Watts, Head of Democratic Services and Deputy Monitoring Officer