

Chichester District Council

COUNCIL

27 February 2024

Dispensation

1. Contacts

Report Author:

Nicholas Bennett, Monitoring Officer and Divisional manager Democratic Services
Tel: 01243 534657 E-mail: nbennett@chichester.gov.uk

Cabinet Member:

Mark Chilton, Cabinet Member for Support Services
Tel: 07836 589342 E-mail: MChilton@chichester.gov.uk

2. Recommendation

2.1 That Council grant a dispensation to Councillor Sharp in accordance with Section 85 of the Local Government Act 1972 for the period to 15 June 2024.

3. Background

3.1 Councillor Sharp has been a Councillor for several years and carried out her role conscientiously through that period. Recently significant family issues have affected her and prevented her carrying out her duties to attend meetings. The Monitoring Officer has approved an initial dispensation to the limit of his legal authority. He is not able to approve further dispensation within his authority and that first dispensation is about to end on 28th February 2024.

3.2 The rule is that a member ceases to be a member if they fail to attend a meeting for six consecutive months under Section 85 of the Local Government Act 1972. However, the Act also provides a mechanism that full Council is able to authorise absence from carrying out duties as a Councillor if the failure to attend is “approved before the expiry of that period”.

4. Outcomes to be achieved

4.1. This report is intended to provide an opportunity for members to discuss whether the circumstances which Councillor Sharp faces are sufficient to engage the mechanism at 3.2 above.

4.2 Whilst the public need Councillors to be active and engaged, there is also a need to ensure that members needs are considered. If authorised steps can be taken to share workload normally carried out by Councillor Sharp with other members.

4.3 Councillor Sharp is also a County Councillor. The West Sussex County Councillor has granted a dispensation to the 15th June 2024 at their meeting on 17th December 2023 and the date above is therefore suggested to match the County dispensation period.

5. Alternatives that have been considered

- 5.1 The alternative to the granting of a dispensation is that Councillor Sharp cease to be a Councillor at the end February 2024, or the making of a dispensation to another date.

6. Resource and legal implications

- 6.1 The legal requirements for Councillor dispensations are set out in this report.

7. Consultation

- 7.1 Chairs of Committees on which Councillor Sharp is appointed and all Group Leaders were consulted in particular Councillor Sharps own group leader but also her Ward colleague member Councillor Young. All have been supportive of the work which will need to be provided by others to cover the work of Councillor Sharp during the period of dispensation.

8. Community impact and corporate risks

- 8.1 All members know the need for effective representation and the impact upon others that a member is not available but with the agreement of other members to “step up” as described above the impact and risks are considered to be manageable.

9. Other Implications

Are there any implications for the following?		
If you tick “Yes”, list your impact assessment as a background paper in paragraph 13 and explain any major risks in paragraph 9		
	Yes	No
Crime & Disorder: The Council has a duty “to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area”. Do the proposals in the report have any implications for increasing or reducing crime and disorder?		No
Climate Change and Biodiversity: Are there any implications for the mitigation of/adaptation to climate change or biodiversity issues? If in doubt, seek advice from the Environmental Strategy Unit (ESU).		No
Human Rights and Equality Impact: You should complete an Equality Impact Assessment when developing new services, policies or projects or significantly changing existing ones. For more information, see Equalities FAQs and guidance on the intranet or contact Corporate Policy.		No
Safeguarding and Early Help: The Council has a duty to cooperate with others to safeguard children and adults at risk. Do these proposals have any implication for either increasing or reducing the levels of risk to children or adults at risk? The Council has committed to dealing with issues at the earliest opportunity, do these proposals have any implication in reducing or increasing demand on Council services?		No
General Data Protection Regulations (GDPR): Does the subject of the report have significant implications for processing data likely to result in a high risk to the rights and freedoms of		No

<p>individuals? Processing that is likely to result in a high risk includes (but is not limited to):</p> <ul style="list-style-type: none"> • systematic and extensive processing activities and where decisions that have legal effects – or similarly significant effects – on individuals. • large scale processing of special categories of data or personal data relation to criminal convictions or offences. • Any larger scale processing of personal data that affects a large number of individuals; and involves a high risk to rights and freedoms e.g. based on the sensitivity of the processing activity. • large scale, systematic monitoring of public areas (including by CCTV). <p>Note - If a high risk is identified a Privacy Impact Assessment must be provided to the Data Protection Officer.</p>		
<p>Other (Please specify): eg health and wellbeing</p>	<p>Yes, this will have a positive impact upon the wellbeing of the Councillor and her dependent family.</p>	

10. Appendices

None.

11. Background Papers

None.