

COUNCIL

17 December 2018

LEAVE OF ABSENCE: COUNCILLOR RICHARD ALDERMAN

Report of the Chief Executive

Strategic Aim:	All		
Exempt Information		Yes - Appendix A of this report contains exempt information and is not for publication in accordance with Part 1 of Schedule 12A of the Local Government Act 1972.	
Cabinet Member(s) Responsible:		Mr O Hemsley, Leader and Portfolio Holder for Rutland One Public Estate & Growth, Tourism & Economic Development, Resources (other than Finance)	
Contact Officer(s):	Helen Briggs, Chief Executive	01572 758201 hbriggs@rutland.gov.uk	
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Ward Councillors	n/a		

DECISION RECOMMENDATIONS

That Council:

1. Grants a dispensation to allow Councillor Richard Alderman to remain a member of the Authority following non-attendance at a meeting for a period of six consecutive months.

1 PURPOSE OF THE REPORT

- 1.1 To determine whether to grant a dispensation in order to allow a Councillor to remain a member of the Authority following the non-attendance at a meeting of the Authority for a period of six consecutive months.

2 BACKGROUND AND MAIN CONSIDERATIONS

- 2.1 Councillor Richard Alderman was elected on 12 July 2018 and signed his declaration of office on 13 July 2018.
- 2.2 The first Council meeting that Councillor Alderman could have attended took place on 10 September 2018 (The meeting in July took place on 9 July 2018 before

Councillor Alderman was elected and there was no meeting in August). Councillor Alderman did not attend the Council meetings in September, October, or November 2018.

- 2.3 Council will be aware that there is an ongoing investigation in order to ascertain whether Councillor Alderman has acted in breach of the Code of Conduct. The outcome of this investigation and any subsequent decisions of the Conduct Committee are part of the standards process. Members are reminded that the standards process is entirely separate from the decision put before Council in this report and particularly as no decision or outcome has yet been received, should have no bearing on the request for a dispensation.
- 2.4 Following conviction for 4 offences under the Communications Act Councillor Alderman was sentenced to a 6 month curfew between the hours of 7pm and 7am this clearly bars the Councillor from being able to attend Full Council meetings as they commence at 7pm in the evening. Council may have regard to these convictions and the sentence when considering these issues.
- 2.5 Councillor Alderman has written to request a dispensation. The letter and supporting documentation can be found at Exempt Appendix A. This letter and accompanying documentation provide additional information to which Council should have regard when considering whether or not to waive the requirements of Section 85 (1) of the Local Government Act 1972 and grant the dispensation.
- 2.6 Council also has broad discretion to take into account such other matters as it considers to be relevant to its decision on this matter.

3 CONSULTATION

- 3.1 Councillor Alderman is not a member of a group and therefore there is no Group Leader to consult.

4 ALTERNATIVE OPTIONS

- 4.1 Not to grant a dispensation. This would mean that unless Councillor Alderman is able to attend a meeting on or before 11 March 2019, he will cease to be a member of the Authority.
- 4.2 Grant a dispensation for a specific length of time.

5 FINANCIAL IMPLICATIONS

- 5.1 There are no financial implication to this report.

6 LEGAL AND GOVERNANCE CONSIDERATIONS

- 6.1 Section 85(1) of the Local Government Act 1972 states the following:
- 6.2 "... 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."

7 DATA PROTECTION IMPLICATIONS

- 7.1 A Data Protection Impact Assessments (DPIA) has not been completed because there are risks/issues to the rights and freedoms of natural persons.

8 EQUALITY IMPACT ASSESSMENT

- 8.1 An Equality Impact Assessment (EqIA) screening form has been completed. No adverse or other significant issues were found.

9 COMMUNITY SAFETY IMPLICATIONS

- 9.1 There are no community safety implications arising from this report.

10 HEALTH AND WELLBEING IMPLICATIONS

- 10.1 There are no Health and Wellbeing implications arising from this report.

11 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

- 11.1 Full Council, as the Authority, in accordance with the Local Government Act 1972 must approve whether to grant a dispensation to allow a councillor a leave of absence that is greater than six consecutive months.
- 11.2 Should Councillor Alderman attend, as a member, a meeting of the Authority on or before 11 March 2019 or before the end of any dispensation period, the counting of six months will begin again.

12 APPENDICES

- 12.1 Appendix A - Letter from Councillor Alderman requesting dispensation and supporting information.

A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577.