



Monday, 22 December 2025

Dear Sir/Madam

A meeting of the Council will be held on Friday, 2 January 2026 in the Council Chamber, Council Offices, Foster Avenue, Beeston NG9 1AB, commencing at 7.00 pm.

Should you require advice on declaring an interest in any item on the agenda, please contact the Monitoring Officer at your earliest convenience.

Yours faithfully



Zulfiqar Darr  
Interim Chief Executive

To Councillors:	S Camplin	H Land
	J Couch	D L MacRae
	D Bagshaw	R D MacRae
	S A Bagshaw	T J Marsh
	P J Bales	G Marshall
	L A Ball BEM	J W McGrath
	M Brown	W Mee
	R Bullock	J M Owen
	G Bunn	P J Owen
	B C Carr	S Paterson
	C Carr	D D Pringle
	S J Carr	M Radulovic MBE
	A Cooper	H E Skinner
	H L Crosby	P A Smith
	T A Cullen	V C Smith
	S Dannheimer	A W G A Stockwell
	H J Faccio	C M Tideswell
	K A Harlow	D K Watts
	S P Jeremiah	S Webb
	S Kerry	E Williamson
	H G Khaled MBE	E Winfield
	A Kingdon	K Woodhead

## A G E N D A

1. Apologies for Absence

To receive apologies and to be notified of the attendance of substitutes.

2. Declarations of Interest

(Pages 3 - 10)

Members are requested to declare the existence and nature of any disclosable pecuniary interest and/or other interest in any item on the agenda.

3. Attendance at Meetings

(Pages 11 - 16)

This report seeks full Council's determination of a request for dispensation under Section 85 of the Local Government Act 1972, in respect of Councillor Susan A Bagshaw.

## Report of the Monitoring Officer

### DECLARATIONS OF INTEREST

#### 1. Purpose of Report

Members are requested to declare the existence and nature of any disclosable pecuniary interest and/or other interest in any item on the agenda. The following information is extracted from the Code of Conduct, in addition to advice from the Monitoring Officer which will assist Members to consider any declarations of interest.

#### **Part 2 – Member Code of Conduct**

##### General Obligations:

##### **10. Interest**

10.1 You will register and disclose your interests in accordance with the provisions set out in Appendix A.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of Members of the Council. The register is publicly available and protects you by demonstrating openness and willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting which allows the public, Council employees and fellow Councillors know which of your interests gives rise to a conflict of interest. If in doubt you should always seek advice from your Monitoring Officer.

**You should note that failure to register or disclose a disclosable pecuniary interest as defined in Appendix A of the Code of Conduct, is a criminal offence under the Localism Act 2011.**

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##### Advice from the Monitoring Officer:

On reading the agenda it is advised that you:

1. Consider whether you have any form of interest to declare as set out in the Code of Conduct.
2. Consider whether you have a declaration of any bias or predetermination to make as set out at the end of this document
3. Update Democratic Services and the Monitoring Officer and or Deputy Monitoring Officers of any declarations you have to make ahead of the meeting and take advice as required.
4. Use the Member Interest flowchart to consider whether you have an interest to declare and what action to take.
5. Update the Chair at the meeting of any interest declarations as follows:

‘I have an interest in Item xx of the agenda’

‘The nature of my interest is ..... therefore the type of interest is  
DPI/ORI/NRI/BIAS/PREDETERMINATION  
‘The action I will take is...’

This will help Officer record a more accurate record of the interest being declared and the actions taken. You will also be able to consider whether it is necessary to send a substitute Members in your place and to provide Democratic Services with notice of your substitute Members name.

**Note: If at the meeting you recognise one of the speakers and only then become aware of an interest you should declare your interest and take any necessary action**

6. Update your Member Interest Register of any registerable interests within 28days of becoming aware of the Interest.

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### **Ask yourself do you have any of the following interest to declare?**

#### **1. DISCLOSABLE PECUNIARY INTERESTS (DPIs)**

A “Disclosable Pecuniary Interest” is any interest described as such in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 and includes an interest of yourself, or of your Spouse/Partner (if you are aware of your Partner's interest) that falls within the following categories: Employment, Trade, Profession, Sponsorship, Contracts, Land, Licences, Tenancies and Securities.

#### **2. OTHER REGISTERABLE INTERESTS (ORIs)**

An “Other Registerable Interest” is a personal interest in any business of your authority which relates to or is likely to affect:

- a) any body of which you are in general control or management and to which you are nominated or appointed by your authority; or
- b) any body
  - (i) exercising functions of a public nature
  - (ii) anybody directed to charitable purposes or
  - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)  
of which you are a Member or in a position of general control or management.

#### **3. NON-REGISTRABLE INTERESTS (NRIs)**

“Non-Registrable Interests” are those that you are not required to register but need to be disclosed when a matter arises at a meeting which directly relates to your financial interest or wellbeing or a financial interest or wellbeing of a relative or close associate that is not a DPI.

A matter “directly relates” to one of your interests where the matter is directly about that interest. For example, the matter being discussed is an application about a particular property in which you or somebody associated with you has a financial interest.

A matter “affects” your interest where the matter is not directly about that interest but would still have clear implications for the interest. For example, the matter concerns a neighbouring property.

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## **Declarations and Participation in Meetings**

### **1. DISCLOSABLE PECUNIARY INTERESTS (DPIs)**

1.1 Where a matter arises at a meeting which **directly relates** to one of your Disclosable Pecuniary Interests which include both the interests of yourself and your partner then:

#### **Action to be taken**

- **you must disclose the nature of the interest** at the commencement of that consideration, or when the interest becomes apparent, whether or not such interest is registered in the Council’s register of interests of Member and Co-opted Members or for which you have made a pending notification. If it is a sensitive interest you do not have to disclose the nature of the interest, just that you have an interest
- **you must not participate in any discussion** of that particular business at the meeting, or if you become aware of a disclosable pecuniary interest during the meeting you must not participate further in any discussion of the business, including by speaking as a member of the public
- **you must not participate in any vote** or further vote taken on the matter at the meeting and
- **you must withdraw from the room** at this point to make clear to the public that you are not influencing the meeting in anyway and to protect you from the criminal sanctions that apply should you take part, unless you have been granted a Dispensation.

### **2. OTHER REGISTERABLE INTERESTS (ORIs)**

2.1 Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registerable Interests i.e. relating to a body you may be involved in:

- **you must disclose** the interest at the commencement of that consideration, or when the interest becomes apparent, whether or not such interest is registered in the Council’s register of interests of Member and Co-opted Members or for which you have made a pending notification. If it is a sensitive interest you do not have to disclose the nature of the interest, just that you have an interest
- **you must not take part in any discussion or vote** on the matter, but may speak on the matter only if members of the public are also allowed to speak at the meeting
- **you must withdraw from the room** unless you have been granted a Dispensation.

### **3. NON-REGISTRABLE INTERESTS (NRIs)**

3.1 Where a matter arises at a meeting, which is not registrable but may become relevant when a particular item arises i.e. interests which relate to you and /or other people you are connected with (e.g. friends, relative or close associates) then:

- **you must** disclose the interest; if it is a sensitive interest you do not have to disclose the nature of the interest, just that you have an interest
- **you must not take part in any discussion or vote**, but may speak on the matter only if members of the public are also allowed to speak at the meeting; and
- **you must withdraw** from the room unless you have been granted a Dispensation.

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#### **Dispensation and Sensitive Interests**

A “Dispensation” is agreement that you may continue to participate in the decision-making process notwithstanding your interest as detailed at section 12 of the Code of the Conduct and the Appendix.

A “Sensitive Interest” is as an interest which, if disclosed, could lead to the Member, or a person connected with the Member, being subject to violence or intimidation. In any case where this Code of Conduct requires to you to disclose an interest (subject to the agreement of the Monitoring Officer in accordance with paragraph 2.4 of this Appendix regarding registration of interests), you do not have to disclose the nature of the interest, if it is a Sensitive Interest in such circumstances you just have to disclose that you have a Sensitive Interest under S32(2) of the Localism Act 2011. You must update the Monitoring Officer when the interest is no longer sensitive, so that the interest can be recorded, made available for inspection and published.

#### **BIAS and PREDETERMINATION**

The following are not explicitly covered in the code of conduct but are important legal concepts to ensure that decisions are taken solely in the public interest and not to further any private interests.

The risk in both cases is that the decision maker does not approach the decision with an objective, open mind.

This makes the local authority’s decision challengeable (and may also be a breach of the Code of Conduct by the Councillor).

Please seek advice from the Monitoring Officer or Deputy Monitoring Officers, if you need assistance ahead of the meeting.

## **BIAS**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias. If you have been involved in an issue in such a manner or to such an extent that the public are likely to perceive you to be biased in your judgement of the public interest:

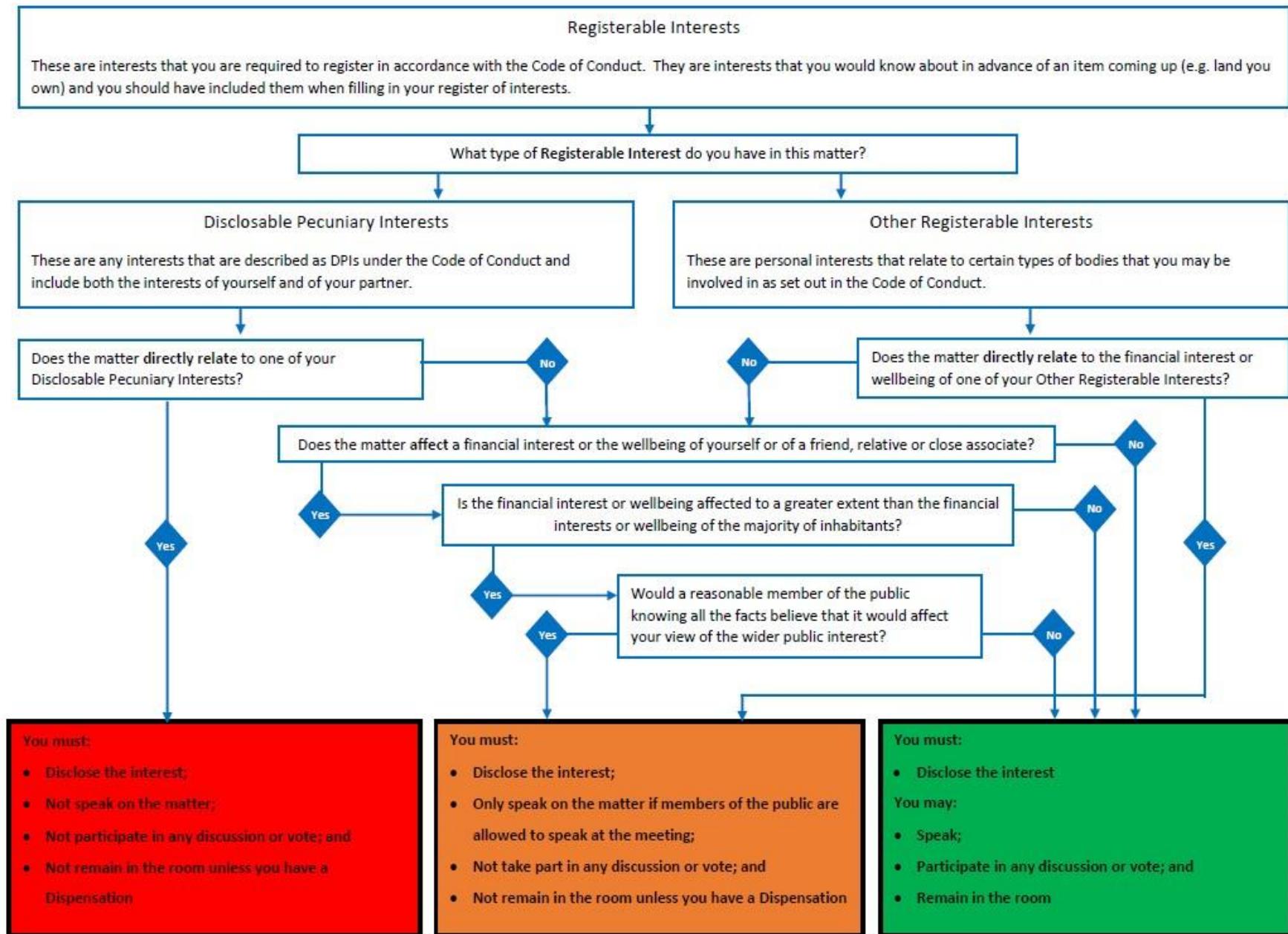
- a) you should not take part in the decision-making process
- b) you should state that your position in this matter prohibits you from taking part
- c) you should leave the room.

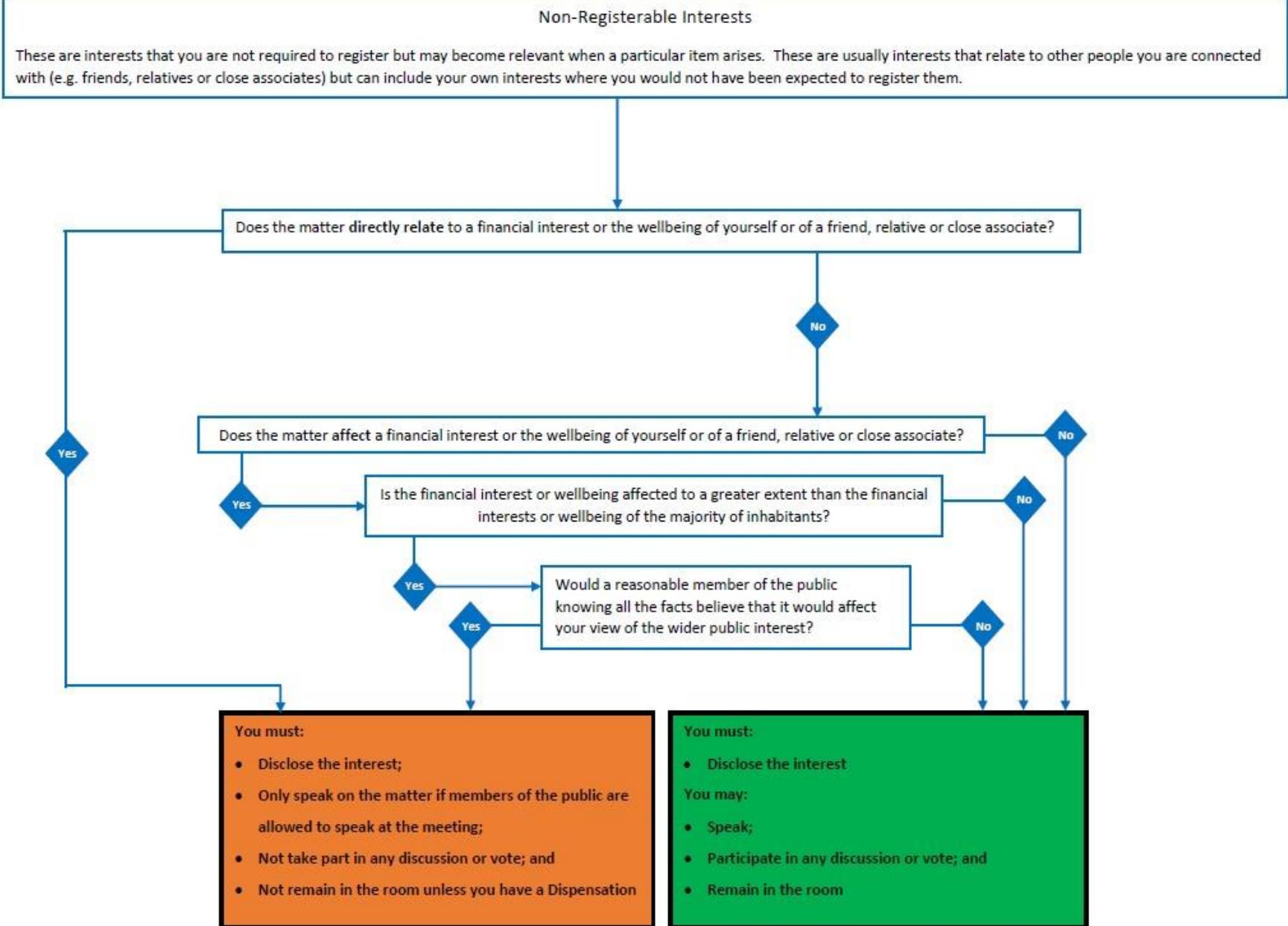
## **PREDETERMINATION**

Where a decision maker has completely made up his/her mind before the decision is taken or that the public are likely to perceive you to be predetermined due to comments or statements you have made:

- a) you should not take part in the decision-making process
- b) you should state that your position in this matter prohibits you from taking part
- c) you should leave the room.

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## Report of the Monitoring Officer

### **Attendance at Meetings**

#### **1. Purpose of Report**

This report seeks full Council's determination of a request for dispensation under Section 85 of the Local Government Act 1972, in respect of Councillor Susan A Bagshaw.

#### **2. Recommendation**

**Council is asked to CONSIDER a dispensation for Councillor Susan A Bagshaw for a period of six months from the date of this meeting and RESOLVE accordingly.**

#### **3. Detail**

The Local Government Act 1972 states that when a Councillor fails to attend any meeting for six consecutive months from the date of their last attendance, then, subject to certain exceptions, they cease to be a Member of the authority, unless the Council accepts a reason for the failure to attend before the six months expires.

Councillor Susan A Bagshaw is currently unable to attend Council meetings and in the circumstances, Members are asked to consider a dispensation request under Section 85 (1) of the Local Government Act 1972, for the period of six months from the date of this meeting.

If a dispensation is not granted by 3 January 2026, Councillor Susan A Bagshaw will be automatically disqualified under section 85 of the Act.

#### **Previous consideration:**

A dispensation request for Councillor Susan A Bagshaw was considered at full Council on 17 December 2025. A vote was taken by way of a show of hands and no request for a recorded vote was made. However, due to the closeness of the vote, the outcome was declared as 10 votes in favour of granting the dispensation, 11 votes against, and 6 abstentions. The decision was not challenged at the meeting and therefore, the decision not to grant a dispensation, stands as declared.

Concerns were raised following the meeting (on 18 and 19 December 2025), which led to a review of the declared decision. It was subsequently agreed by the Chief Executive, Monitoring Officer, and Head of Democratic Services who were all present at the meeting, and by the Mayor that they could not independently verify with certainty that the declared decision accurately reflected the votes cast by show of hands at the meeting, due to the limitations of the available record of the vote, including the absence of a recorded (named) vote,

the inherent limitations of a vote taken by a show of hands and the partial nature of the video recording. It is now not possible to retrospectively verify with certainty either how many Members remained present in the meeting at the point of voting or how all Members present voted.

Video recordings, individual or group recollections, or post-meeting assertions cannot be relied upon as a lawful or reliable means of retrospectively verifying the outcome of a vote.

**Governance and legal risk:**

Where a decision has significant statutory consequences, including the automatic disqualification of a Member from office and where the outcome of a close vote cannot now be independently verified with certainty, this creates procedural uncertainty and risk of challenge.

The Council recognises the regrettable distress that procedural uncertainty will have caused Cllr Susan A Bagshaw and Cllr David Bagshaw and has sought to convene an extra-ordinary full Council meeting at the earliest possible date to ensure that the request for dispensation is considered afresh in relation to Councillor Susan A Bagshaw and a clear and procedurally certain decision is made within the statutory timeframe.

**Proposed course of action:**

In light of the statutory deadline of 3 January 2026, and to ensure a decision is made with procedural certainty, the Chief Executive, the Monitoring Officer and the Mayor have agreed that the lawful, most appropriate and proportionate course of action to ensure procedural certainty and to mitigate legal, governance and operational risks, is for an extraordinary meeting of full Council to consider afresh the request for dispensation on 2 January 2026. This decision has been taken in the interests of good governance, transparency, and legal robustness.

This approach is supported by external legal advice.

**4. Financial Implications**

The comments from the Interim Deputy Chief Executive and Section 151 Officer were as follows:

While there are no direct financial implications arising from holding the extraordinary full Council meeting, failure to resolve the procedural uncertainty could result in indirect financial risks, including potential costs associated if the original decision is legally challenged, and the potential costs of a by-election if the Member is automatically disqualified.

Holding the extraordinary full Council meeting reduces the likelihood of these potential costs by ensuring the Council's decision is procedurally sound.

**5. Legal Implications**

The comments from the Monitoring Officer / Head of Legal Services were as follows:

In addition to the legal comments made in the body of the report.

Section 85 of the Local Government Act 1972 provides that where a Member fails throughout the period of six months from the date of their last attendance to attend any meeting of the Council, unless that failure was due to a reason approved by the Council before the expiry of that period, they will cease to be a Member of the Council. Failure to grant a dispensation by 3 January 2026, will result in automatic disqualification.

The vote on 17 December 2025 was lawfully taken by a show of hands and was declared by the Chair with no challenge being made at the meeting and therefore, stands as declared.

However, a show of hands, while lawful and convenient, is a well-recognised but imperfect means of recording voting intentions, particularly where a decision is close and carries statutory consequences.

Given the inability to independently verify the declared outcome with certainty, this leaves the decision exposed to potential legal challenge. In those circumstances, it is lawful and considered to be the most appropriate and proportionate remedy for the Council to consider afresh the request for dispensation before the statutory deadline of 3 January 2026, to mitigate risks.

**Recorded Vote:**

Under the Council's Constitution chapter 2 part 2, paragraph 5.4 Recorded vote: If 5 Members present at the meeting at any time request the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. Members may want to consider requesting a recorded vote at the extra-ordinary full Council meeting, to provide a clearer and more certain record of the Council's decision.

**Convening the meeting:**

Under the Council's Constitution chapter 2, part 2, paragraph 3.1 Calling extraordinary meetings: The Chief Executive or in their absence, the Deputy Chief Executive (S151 Officer) may call Council meetings in addition to ordinary meetings and those listed below may request the Chief Executive or in their absence, the Deputy Chief Executive to call additional Council meetings:

3.1.1 the Council by resolution;

3.1.2 the Mayor of the Council;

3.1.3 any five Members of the Council if they have signed a requisition presented to the Mayor of the Council and he/she has refused to call a meeting or has failed to call a meeting within seven clear working days of the presentation of the requisition the Chief Executive, the Deputy Chief Executive (Section 151 Officer) or the Monitoring Officer, respectively, in the exercise of their statutory duties.

The Mayor also has power to call an extraordinary meeting at any time under paragraph 3(1) of Part 1 of Schedule 12 of the Local Government Act 1972.

### Quorum

Under chapter 2, part 2, paragraph 7.1 of the Constitution, the quorum for a meeting of Council is one quarter of the whole number of Councillors. If the meeting on 2 January 2026 is not quorate, no decision can be made at this meeting. In that event, the decision of 17 December 2025 would result in Councillor Susan A Bagshaw's membership of the Council ceasing on 3 January 2026, with the associated legal, governance and operational risks identified in this report.

There is no legal requirement that the same Members who participated in a previous meeting must be present when the request for dispensation is lawfully considered afresh. A decision of the Council is taken by those Members present and voting at the meeting, provided the meeting is properly convened and quorate.

Considering the request for dispensation afresh in these circumstances does not create a general precedent for considering items of business of a similar nature to those which have been considered by members in the past 6 months. This approach is limited to exceptional cases where: a decision carries statutory consequences, and procedural certainty cannot be achieved and a statutory deadline applies. The Council's Procedure Rules also contain provision for the Chief Executive to reject a requisition to consider business of a similar nature at an extraordinary meeting which has been considered by members in the preceding 6 months, and there is a more general bar that applies to ordinary meetings of Council.

6. Human Resources Implications

Not applicable.

7. Union Comments

Not applicable.

8. Climate Change Implications

No applicable.

**9. Data Protection Compliance Implications**

This report does not contain any OFFICIAL(SENSITIVE) information and there are no Data Protection issues in relation to this report.

**10. Equality Impact Assessment**

No Equality Impact Assessment is required as the report concerns a procedural governance matter.

**11. Background Papers**

Link to full Council agenda 17.12.25, item 16 Attendance at Meetings:  
[\(Public Pack\)Agenda Document for Council, 17/12/2025 19:00](#)

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