

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](#)