

## London Borough of Hammersmith & Fulham

**Report to:** Full Council

**Date:** 15 July 2020

**Subject:** Dispensation of absence for all Councillors

**Report of:** Councillor Stephen Cowan - The Leader of the Council

**Responsible Director:** Rhian Davies – Monitoring Officer

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### Summary

This report seeks approval of a special dispensation granted to all Councillors for any non-attendance at meetings of the authority for virus related reasons to the end of February 2021.

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### Recommendation

To agree that any member unable to attend a council meeting for a period greater than six months for virus related reasons, receives a dispensation further to section 85(1) of the Local Government Act 1972 to 28 February 2021.

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**Wards Affected:** All

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### H&F Priorities

<b>Our Priorities</b>	<b>Summary of how this report aligns to the H&amp;F Priorities</b>
Doing things with residents and not to them	Councillors have a key community leadership role to represent all constituents within their wards.
Building shared prosperity	The participation of all Councillor members in decision making and community engagement activities is in line with the Council's policies and priorities.

### Financial Impact

There are no direct financial implications.

### Legal Implications

Section 85 (1) of the Local Government Act 1972 makes provision in relation to member attendance at meetings. It provides that if a member fails to attend

qualifying meetings for a period of 6 consecutive months from the date of their last attendance, they shall cease to be a member of the authority unless, before the expiry of that period the authority has approved such non-attendance.

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**Background Papers Used in Preparing This Report**

None.

## **Detailed Analysis**

1. On the 25th March the Coronavirus Act 2020 received Royal Assent Clause 78 introduced regulation-making powers with regard to meetings and proceedings of local authorities. These are broad powers for the Secretary to make regulations regarding:-
  - a) requirements to hold local authority meetings;
  - b) the times at or by which, periods within which, or frequency with which, local authority meetings are to be held;
  - c) the places at which local authority meetings are to be held;
  - d) the manner in which persons may attend, speak at, vote in, or otherwise participate in, local authority meetings;
  - e) public admission and access to local authority meetings;
  - f) the places at which, and manner in which, documents relating to local authority meetings are to be open to inspection by, or otherwise available to, members of the public.
2. The Secretary of State issued Regulations which provided some flexibilities as to how the authority might wish to conduct business. The attendance at a qualifying meeting via remote access will count as a qualifying 'attendance for the purposes of the 6 month rule. However, all Members may not have the opportunity to attend a qualifying meeting during the period of the Pandemic due to technical and other limitations. This will put some Members (it is not possible to accurately predict which) at risk of inadvertent disqualification.
3. In order to avoid this eventuality, it would be reasonable for full Council to grant a general authorisation of absence for all members until 28 February 2021 if the non-attendance is virus related, with this permission being reviewed as soon as possible before the expiry of this period should normal meeting arrangements recommence.

## **Consultation and engagement**

4. Both Groups support this proposal.

## **Reasons for Decision**

5. Section 85 (1) of the Local Government Act 1972 makes provision in relation to member attendance at meetings. If a member fails to attend qualifying meetings for a period of 6 consecutive months from the date of their last attendance, they shall cease to be a member of the authority unless, before the expiry of that period the authority has approved such non-attendance.

## **Equality Implications**

6. There are no anticipated negative implications for groups with protected characteristics, under the Equality Act 2010, by these proposals.

*Implications completed by: Fawad Bhatti, Resources Department tel. 07500 103617*