

London Borough of Hammersmith & Fulham

Report to: Full Council

Date: 28 April 2021

Subject: Dispensation of absence for all Councillors

Report of: Councillor Stephen Cowan – The Leader of the Council

Responsible Director: Rhian Davies – Monitoring Officer

Summary

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

Recommendation

To agree that any member unable to attend a council meeting for a period greater than six months for Covid related reasons, receives a dispensation further to section 85(1) of the Local Government Act 1972 to 31st October 2021.

Wards Affected: All

Our Values	Summary of how this report aligns to the H&F Values
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. Current provisions in the Coronavirus Act, which permit meetings of local authorities to be held remotely, will cease to have effect on 7 May 2021. The Government has advised that it will not take action to extend or replace these powers before May. The Ministry of Housing, Communities and Local Government (MHCLG) has recently signalled that it is sympathetic towards local authorities continuing to hold virtual meeting. There is currently a legal challenge by local government organisations, including Hertfordshire Council, Local Government Lawyers and the Association of Democratic Services Officers. The case is listed for 21st April.
2. The effects of the pandemic will continue beyond 7 May. To ensure members who are self-isolating, shielding, or otherwise unable to attend meetings in person for Covid related reasons are not unfairly impacted it would be reasonable for Full Council to grant a general authorisation of absence for all members until 31 October 2021.
3. Full Council previously agreed a special dispensation for members at its meeting in July 2020. During that period it was not required but it is prudent to have another authorisation of absence in place given the potential impacts of the pandemic.
4. The Council will be updated if the position changes.

Consultation and engagement

5. Both political groups support this proposal.

Reasons for Decision

6. 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

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