

London Borough of Hammersmith & Fulham

Report to: Full Council

Date: 19 October 2022

Subject: Dispensation of Absence

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

Report Author: - Kayode Adewumi – Assistant Director, Democratic, Registration and Coroner’s Services

Responsible Director: David Tatlow – Director of Corporate Resources

Summary

This report seeks approval of a special dispensation to be granted to Councillor Patricia Quigley for non-attendance at meetings of the authority until she is able to do so.

Recommendation

1. To approve that a special dispensation be granted to Councillor Patricia Quigley for non-attendance in person at meetings of the authority due to shielding until further notice pursuant to Section 85(1) of the Local Government Act 1972.
2. To note that Councillor Patricia Quigley will continue to attend meetings remotely.

Wards Affected: All

H&F Values	Summary of how this report aligns to the H&F Priorities
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 because of this report.

Alex Pygram, Head of Finance - signed on 6 October 2022

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 six 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.

Grant Deg, Assistant Director – Legal Services - signed on 6 October 2022

Contact Officer

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Background Papers Used in Preparing This Report

None.

Detailed Analysis

1. 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.
2. Councillor Quigley is required to shelter while the Covid pandemic continues. She has not been able to attend council meetings in person since the Annual Council meeting held on 25th May 2022. However, she has attended remotely and contributed to all Full Council, PAC and Political Cabinet meetings in her role as an assistant to the Cabinet.
3. The use of digital technologies is an important medium to consult and engage with communities. It can bring decision making and local policy making closer to the residents and strengthen local democracy. The council supports remote participation of residents and councillors in meetings. Councillors unable to attend meetings in person for health and other accessibility reasons should be able to participate in discussions, contribute to local policy making and vote remotely. Remote attendance should be counted toward the 6 months rule, and the legal restrictions that do not allow this should be urgently removed by the government in order to ensure that the role of councillor is fully accessible.
4. The council firmly opposes the government's outdated requirement that councillors who are shielding or otherwise have health reasons preventing them from attending meetings in person cannot to vote remotely. This requirement could put at risk the wellbeing of councillors and force them to attend meetings just to avoid disqualification, or we could lose highly effective local community leaders because of the disqualification. Making the position of councillor

inaccessible in this way is not only unfair to them, it also reduces the voice of disabled persons in council decision making.

5. To avoid disqualification, it would be reasonable to grant Councillor Patricia Quigley dispensation from non-attendance at meetings of the authority until she is able to attend meetings safely in person. She will continue to attend meetings remotely.

Consultation and engagement

6. Both Groups support this proposal.

Reasons for Decision

7. 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

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