

ADMINISTRATION COMMITTEE

Monday, 13 September 2021

APPROVAL OF SUSPENSION OF COUNCILLOR ATTENDANCE RULES RELATING TO COVID-19

Report of the Democratic Services Manger

Recommendation

It is recommended that the Administration Committee approves a suspension pursuant to Section 85 of the Local Government Act 1972, of the six-month Councillor attendance rule, until the next Council Annual General Meeting when this can be reviewed.

Summary

By virtue of Section 85 of The Local Government Act 1972 (the Act) a Borough Councillor ceases to be a Member of the Council if he/she fails to attend a Meeting of the Borough Council, its Committees, Outside Body or Joint Committee to which they are appointed to represent the Borough Council, for a period of six consecutive months commencing on the date of the Member's last attendance, unless the period of absence is, for some reason, approved by the Borough Council prior to the expiry of that period.

Statutory Powers

Local Government Act 1972

Strategic Implications

1. The report relates to Councillors attendance at meetings which underpins the delivery against all of the councils Corporate Plan (2015-2025) objectives.

Introduction

2. Section 85 (1) of the Local Government Act 1972 states that "if a member of a local authority fails throughout a period of six consecutive months from the date of their last attendance to attend any meeting of the authority, they shall, unless the failure was due to some reason approved by the authority before the expiry of that period, cease to be a member of that authority".

3. Section 85 (1) of the Act therefore provides that an authority may grant dispensation for such absence providing the dispensation is granted before the 6 month period of absence has expired.
4. The Council's Constitution (Part 2) Article 12 delegates this responsibility to the Administration Committee.

Dispensation

5. The provision in the relevant Flexibility Regulations regarding the ability for Local Authorities to conduct their meetings remotely expired on 6 May 2021 and Local Authorities have had to revert to holding meetings in person to take decisions. The public must have physical access to those meetings (unless those meetings are considering confidential or exempt information as defined in the Local Government Act 1972).
6. The Council recognises that the prevalence of the Covid-19 virus is still high and the new variants proving to be more transmissible and it is only right to consider the health and well-being of its Councillors. It is therefore recommended that the Committee considers granting a general dispensation pursuant to Section 85 of the Act, expiring at the next Council AGM in May 2022 (date to be confirmed).
7. This dispensation will cover any Member of the Council who is unable to attend a Meeting of the Borough Council, its Committees, Outside Bodies or Joint Committees to which they have been appointed as a result of illness, social distancing, self-isolation or shielding as a consequence of the Covid-19 epidemic.
8. The purpose of the general dispensation is to prevent Councillors, through no fault of their own, exceeding the six-month period of absence and subsequently ceasing to be a Councillor as set down in the Act due to the Covid-19 epidemic.

Financial Implications

9. There are no financial implications arising from this report.

Risk Assessment

10. If this dispensation is not granted there is a risk that Councillors could exceed the six-month period of absence as set-out in the Act due to the Covid-19 pandemic and subsequently cease to be a Councillor.
11. There is also a potential risk that the dispensation could be misinterpreted as a reason not to attend meetings. Risk assessments are carried out prior to every physical meeting and additional measures are put in place to as far as possible protect those who are in attendance and limit the transmission of the virus. This dispensation relates solely to those Councillors who are unable to attend meetings for reasons relating to Covid-19. Councillors should continue to tender their apologies in the usual way and a record will be maintained by

Democratic Services. Any other attendance dispensations relating to non-covid related matters would need to be considered separately by the Committee.

Equality and Diversity Implications

12. The Equality Act is not relevant to the decision in this report because it is a report dealing with internal or procedural matters only. Therefore, it is considered that for this decision the Equality Duty does not need to be addressed and an Equality Impact Assessment (EqIA) has not been carried out.

Climate Change and Environmental Implications

13. Councillors are encouraged to travel sustainably where possible on Council business to reduce the impact on the environment. During the initial part of the Covid-19 pandemic all Council meetings were held remotely therefore reducing the need to travel. With meetings returning to in person there will be an increase in Councillors travelling to meetings.

Conclusion

14. That the Administration Committee grant the suspension of the six-month attendance rule for those Councillors that are unable to attend meetings for reasons outlined at paragraph four of this report.

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Appendices Attached: 0

LOCAL GOVERNMENT ACT 1972 - SECTION 100D

The following is a list of documents which disclose facts or matters on which this report or an important part of it is based and have been relied upon to a material extent in the preparation of this report. This list does not include any published works or documents which would disclose exempt or confidential information.