

Full Council

14 October 2021

Dispensation for non-attendance at committee meetings

For Decision

Portfolio Holder: Cllr S Flower, Leader of the Council

Local Councillor(s): All

Executive Director: Jonathan Mair, Corporate Director Legal & Democratic

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Report Status: Public

Recommendation:

That all members of council receive a dispensation in relation to Section 85 of the Local Government Act for the period up to and including 14 April 2022 for the reason that not all members may be able to attend an in person committee, Cabinet or Full Council meeting due to Coronavirus.

Reason for Recommendation:

To prevent members from being disqualified as a councillor whose health or personal circumstances may prevent them from attending in person committee meetings due to the health risks associated with Coronavirus.

1. Executive Summary

At the Annual Meeting of Council in May 2021, Full Council resolved to continue to hold virtual committee meetings, (except for some smaller committee meetings) from 7 May 2021 until such time as social distancing requirements

were removed. The majority of the council's meetings have therefore been held on an informal basis since this date with 'minded to' decisions from councillors and officers taking decisions under temporary extended delegated powers. Full Council also agreed at this time to give all members a dispensation under section 85 of the Local Government Act 1972, until such time as social distancing requirements were removed. In the case of decisions that would have been taken at Cabinet meetings the Leader used his delegated powers for decisions to be taken by individual Portfolio Holders, provided that the other members of Cabinet had given a 'minded to decision' in support of the recommendations in the report or as amended at the meeting.

On 19 July 2021 the Government lifted all social distancing requirements in England, however due to the increasing number of Covid-19 cases in Dorset at that time, a decision was taken by the Chief Executive, after consulting all Political Group Leaders, to continue with on-line committee meetings to reduce the health risks associated with meeting in person.

2. Financial Implications

N/a

3. Climate implications

N/a

4. Other Implications

N/a

5. Risk Assessment

Having considered the risks associated with this decision, the level of risk has been identified as:

Current Risk: Medium

Residual Risk: Medium

7. Equalities Impact Assessment

An EqIA has not been undertaken in respect of this decision however an impact assessment had been undertaken in respect of holding virtual committee meetings.

8. Appendices

None

9. Background Papers

Section 85 of the Local Government Act 1975

Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 No. 392

10. Dispensation for non-attendance at committee meetings

- 10.1 Section 85 of the Local Government Act 1972 provides that councillors who have not attended a meeting in any 6-month period since their last committee attendance will automatically cease to be a member of the Council. This section applies automatically unless the reason for not attending is approved by Full Council in advance.
- 10.2 Throughout the Covid-19 pandemic councillors have continued to work to support their communities and at the same time have carried out council business online. Attendance by a councillor at a virtual meeting does not though meet the requirements of Section 85 of the Local Government Act and so councillors are at risk of losing office because for technical reasons the work they have carried out does not count as attendance.
- 10.3 As the majority of committee meetings have been held as virtual informal meetings since 7 May 2021 many councillors will not have had the opportunity to attend a committee or Full Council meeting in person since that date. Failure to attend a meeting in person by 7 November 2021 would result in automatic disqualification as a Dorset Councillor and would create a casual vacancy, triggering the need for a by-election. It is therefore proposed to extend the dispensation for all councillors.
- 10.4 In addition, when the council does return to face to face meetings, bearing in mind the on-going number of Covid-19 cases in Dorset, the greater transmissibility of new variants and moving into the winter months, a number of councillors may feel that on health grounds (either their own or in a caring capacity) they are not able to attend an in person committee meeting.
- 10.5 It is therefore considered appropriate that, in view of the on-going pandemic, an automatic dispensation is given to all councillors in respect of the 6-month non-attendance rule, up to and including 14 April 2022.

Footnote:

Issues relating to financial, legal, environmental, economic and equalities implications have been considered and any information relevant to the decision is included within the report.