

Report for: COUNCIL

Date of Meeting:	30 September 2021
Subject:	Dispensation for Members of Council
Responsible Officer:	Hugh Peart, Monitoring Officer
Exempt:	No
Wards affected:	All

Section 1 – Summary and Recommendations

This report seeks Council approval to the granting of a dispensation to all Members from the requirement to physically attend a Council meeting until 30th April 2022.

Recommendations:

That all Members of Council be granted a dispensation from the requirement to physically attend a meeting of the Council until 30th April 2022 provided they attend a hybrid/virtual meeting during the period of the dispensation, to reflect the continuing impact of the COVID 19 pandemic

Section 2 – Report

Section 85(1) of the Local Government Act 1972 provides that if a member of a local authority fails throughout a period of six consecutive months 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 the authority (the 6-month rule).

Between and April 2020 and May 2021 the law was temporarily changed to provide that Members joining a virtual meeting were treated as being in

attendance for the purposes of s85 above. This provision has now expired, and a Member must be physically present in the room to be treated as attending the meeting.

Given the limitations on the numbers of people that Civic Centre meeting rooms can safely accommodate and acknowledging that not all Members may feel comfortable attending public meetings in person, some Members may be affected by the above 6-month rule.

The Council is likely to continue hybrid meetings for the foreseeable future to allow both members and residents to participate as fully as possible in public meetings. Without a dispensation, members joining virtually would not be treated as being in attendance for the purposes of the 6-month rule.

For this reason, a dispensation from the requirement to physically attend any meeting of the authority is being sought for all Members.

The dispensation would only apply where a Member attends and is recorded as attending a hybrid/virtual meeting of either full Council or one of its committees during the period of the dispensation, i.e. until 30th April 2022.

Whilst members joining virtually can take part in the discussion, they are not be able to vote or take any formal part in a meeting, e.g. moving motions.

Legal Implications

Contained in the report

Financial Implications

There are no financial implications associated with this report.

Risk Management Implications

If the Council does not approve the reason for absence, some Members will cease to be a member of the Authority. The risk is mitigated by this report.

Equalities implications / Public Sector Equality Duty

Was an Equality Impact Assessment carried out? No

Council Priorities

Full Council approved the following priorities:-

1. **Improving the environment and addressing climate change**
2. **Tackling poverty and inequality**
3. **Building homes and infrastructure**
4. **Addressing health and social care inequality**
5. **Thriving economy**

Section 3 - Statutory Officer Clearance

Statutory Officer: Dawn Calvert

Signed on by the Chief Financial Officer

Date: 9 September 2021

Statutory Officer: Hugh Peart

Signed on by the Monitoring Officer

Date: 31 August 2021

Chief Officer: Hugh Peart

Signed by the Corporate Director

Date: 31 August 2021

Mandatory Checks

Ward Councillors notified: NO as it impacts on all Wards

Section 4 - Contact Details and Background Papers

Contact: Alison Atherton, Senior Professional Democratic Services
Alison.atherton@harrow.gov.uk

Background Papers: None

If appropriate, does the report include the following considerations?

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|-----------------|----|
| 1. Consultation | NO |
| 2. Priorities | NO |