

Hambleton District Council

Report To: Chief Executive

Date: 22 July 2020

From: Director of Law and Governance (Monitoring Officer)

Subject: **Dispensation for Non-Attendance at Council Meetings due to Covid-19 Pandemic**

Wards Affected: All Wards

1.0 Purpose and Background

- 1.1 This purpose of this report is to ask the Chief Executive, in accordance with his delegated authority arising from his emergency powers, to consider granting an extension to the six month attendance rule to prevent Councillors from ceasing to be Members of the authority. It is proposed that each Member be granted an automatic extension to 20 December 2020.
- 1.2 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 his last attendance to attend any meeting of the authority, he 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.”
- 1.3 Attendance in an official capacity at a meeting of a Committee or Sub-Committee of the Council or at any meeting of a joint committee or other such body discharging functions of the Council, or attendance as a representative of the Council at a meeting of any such body is deemed to be a ‘meeting’ of the Council (section 85(2)).
- 1.4 If six months has elapsed from the date of a member’s last attendance at any meeting, and the Council has not approved an extended absence within that six month period, then the Councillor ceases to be a member of the Council from that date. Approval cannot be given retrospectively after the six month period.
- 1.5 During the current Covid-19 pandemic, Council and Committee meetings have been temporarily suspended. Although regulations have been enacted which now allow Council meetings to be held remotely, the temporary suspension of meetings has limited the opportunity of members to attend qualifying meetings within the requisite six month period.
- 1.6 Depending on which Committees are required to meet during the coming months, some Councillors may not have the opportunity to attend a virtual meeting. For example they may have work commitments or they may be unable to attend a virtual meeting for technological reasons.

- 1.7 The Chief Executive could decide not to grant an extension to the six month rule. However this is not recommended, as it could lead to a number of Members ceasing to qualify through no fault of their own. The suspension of elections until 7 May 2021 would also mean that the Council could potentially be forced to operate with a number of unfilled vacancies for a prolonged period.
- 1.8 Councillors will be reminded of the need to inform the Monitoring Officer, via the Democratic Services team, if they are unable to attend a meeting, and to also advise if they are ill and/or unable to attend to other Council business.

2.0 Legal Implications

- 2.1 The legal issues associated with this report are detailed in section 1 above.

3.0 Financial Implications

- 3.1 There are no financial implications associated with this report.

4.0 Risk Assessment

- 4.1 There may be reputational risks for the Council in failing to agree a dispensation in a timely manner.

5.0 Equalities/Diversity Issues

- 5.1 There are no equalities or diversity issues associated with this report.

6.0 Recommendation

- 6.1 That pursuant to his delegated authority and for reasons arising from the COVID-19 Pandemic the Chief Executive approves a dispensation for each Member from attending meetings of the Council until 20 December 2020.

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Background papers: None
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