

South Lakeland District Council Council

Tuesday, 27 July 2021

S.85 Local Government Act 1972 – dispensations

Portfolio:	N/A
Report from:	Linda Fisher – Legal, Governance and Democracy Lead Specialist (Monitoring Officer)
Report Author:	Linda Fisher – Legal, Governance and Democracy Lead Specialist (Monitoring Officer)
Wards:	(All Wards);
Forward Plan:	Not applicable

1.0 Expected Outcome

- 1.1 That Council approves a blanket dispensation for members for non-attendance at the Council meeting on 27 July 2021 for the reason outlined within paragraph 3.2 as an approved reason under s85 of the Local Government Act 1972 (during the declared pandemic).

This means that those councillors who have not attended a meeting in a 6 month period since their last attendance at a meeting will have a dispensation for non-attendance at the Council meeting on 27 July 2021 and not automatically cease to be a member of the Council.

2.0 Recommendation

2.1 It is recommended that Council

- (1) **Approves a blanket dispensation for members listed in 3.2 below for whom it has been agreed will not be in attendance at the Council meeting on 27 July 2021 for the reason outlined at paragraph 3.2. The 6 month period for those councillors for whom it has been agreed are not attending the Council meeting on the 27 July 2021 will have a new 6 month period calculation for attendance purposes commencing on the 28 July 2021.**

3.0 Background and Proposals

- 3.1 S85 of the Local Government Act 1972 applies to all councillors. This provides that councillors who have not attended a meeting in any 6 month period since their last attendance automatically cease to be a member of the Council. The Act provides that this automatically applies unless the failure to attend was a reason approved by the Council.

Many SLDC councillors have, during the pandemic, been able to attend remote meetings held in accordance with the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020.

These Regulations have now ceased to apply. Council meetings must therefore take place at a single specified geographical location and being 'present' at such meeting involves physical presence at that location.

- 3.2 Reason: For Covid-19 safety reasons and because there are concerns that the number of Covid-19 cases in Cumbria continues to rise, a number of councillors have agreed not to attend the Council meeting on 27 July 2021. This has been discussed and agreed by the Group Leaders. A 50% attendance figure has been agreed by the Group Leaders. The proposed dispensation will therefore provide that, for such members, the six month period for non-attendance under s85 Local Government Act 1972 commences on the day after this Council meeting, i.e. on 28 July 2021. The following Councillors have agreed non-attendance Caroline Airey ,Robin Ashcroft ,Ben Berry, Stephen Coleman ,Ben Cooper ,Michael Cornah ,Phillip Dixon ,Alvin Finch ,Gill Gardner, Eamonn Hennessy ,Chris Hogg ,Rachael Hogg ,Helen Irving ,Ali Jama ,Janette Jenkinson, Malcolm Lamb ,Susanne Long, Jon Owen ,Suzie Pye ,Brian Rendell, Matt Severn, Ian Wharton, Janet Willis, Shirley-Anne Wilson.
- 3.3 This dispensation is not intended to erode the responsibility of Councillors to attend meetings.

4.0 Consultation

- 4.1 Consultation has taken place with the Chairman and Group Leader's.

5.0 Alternative Options

- 5.1 An alternative option would be to continue to apply s85 of the Local Government Act 1972. However where non-attendance has been agreed for safety reasons it would seem unfair in these circumstances for the non-attendance rules to apply with automatic cessation of the role of Councillor.

6.0 Links to Council Priorities

- 6.1 Councillors assist the Council in the discharge of our functions and in decision-making. The Council's decision-making processes helps achieve the aims and objectives of the Council's priorities.

7.0 Implications

Financial, Resources and Procurement

- 7.1 There are no financial implications arising from this report.

Human Resources

- 7.2 There are no HR implications arising from this report.

Legal

- 7.3 It is considered fair for those councillors who have not attended a meeting in any 6 month period since the last attendance at a meeting to be able to benefit from the approved Council reason for non-attendance on 27 July 2021 and not automatically to cease to be a member of the Council.

Health, Social, Economic and Environmental

- 7.4 Have you completed a Health, Social, Economic and Environmental Impact Assessment? No
- 7.5 If you have not completed an Impact Assessment, please explain your reasons: There are no health, social, economic and environmental impacts relating to the proposed amendments.

Equality and Diversity

- 7.7 Have you completed an Equality Impact Analysis? No
- 7.8 If you have not completed an Impact Assessment, please explain your reasons:
There are no health, social, economic and environmental impacts relating to the proposed amendments.

Risk

Risk	Consequence	Controls required
The risk of not providing a reason for non-attendance is that councillors may not be able to attend the Council meeting 26 July 2021 for COVID-19 safety reasons and could automatically cease to be a councillor as a result	Councillors may automatically cease to be councillors because of non-attendance without an approved reason under the relevant legislation	Blanket dispensation for councillor non-attendance on 27 July 2021

Contact Officers

Linda Fisher Linda.Fisher@southlakeland.gov.uk 01539 793 370

Appendices Attached to this Report

(delete if no appendices attached)

Appendix No.	Name of Appendix
None	N/A

Background Documents Available

Name of Background document	Where it is available
None	N/A

Tracking Information

Signed off by	Date sent	Date Signed off
Legal Services	26/07/2021	27/07/2021
Section 151 Officer	26/07/2021	27/07/2021
Monitoring Officer	Report Author	Report Author
CMT	27/07/2021	27/07/2021

Circulated to	Date sent
Lead Specialist	N/A
Human Resources Lead Specialist	N/A
Communications Team	N/A
Leader	26/07/2021
Committee Chairman	26/07/2021
Portfolio Holder	26/07/2021
Ward Councillor(s)	N/A
Committee	N/A
Executive (Cabinet)	N/A
Council	N/A

This page is intentionally left blank

South Lakeland District Council Council

Tuesday, 27 July 2021

2023 Review of Parliamentary Constituencies

Portfolio: Leader of the Council

Report from: Director of Strategy, Innovation and Resources

Report Author: Simon McVey – Operational Lead Support Services

Wards: All

Forward Plan: N/A

Links to Council Plan Priorities: N/A – this is a national consultation on Parliamentary Constituencies.

1.0 Expected Outcome and Measures of Success

To inform Members of the proposals of the Boundary Commission for England (BCE) in relation to the 2023 Review of Parliamentary Constituencies and how they will affect South Lakeland and to determine the Council's response to the consultation.

2.0 Recommendation

2.1 It is recommended that Council :-

- (1) **Note the initial proposals of the Boundary Commission for England in relation to the Parliamentary Constituencies in South Lakeland;**
- (2) **Endorse the consultation responses as outlined in Appendix 5;**
- (3) **Authorise the Director of Strategy, Innovation and Resources to **submit** the response to the consultation to the Boundary Commission for England by the 2 August 2021 deadline.**

3.0 Background and Proposals

- 3.1 The Boundary Commission for England (BCE) has the task of periodically reviewing all Parliamentary constituencies in England. A review is currently being undertaken and being conducted in accordance with rules laid down by Parliament.
- 3.2 The aim of the review is to make constituencies more equal in terms of the numbers of electors each contains as, due to population changes since the last review, the number of electors in some constituencies is much higher than in others. The BCE is required by legislation to equalise the number of electors in each constituency and, in the North West of England, is proposing 73 constituencies, a reduction of 2 from the current number.
- 3.3 On 8 June 2021, the BCE published its initial proposals for new constituencies. An eight week consultation is now inviting comments on those initial proposals and ends on 02 August 2021. This will be followed by a further two rounds of consultation during 2022 which will additionally include a number of public hearings. Following the

conclusion of all three consultation periods, the BCE will look at all the evidence received and form its final recommendations, to be presented to Parliament by July 2023 for approval, with the new constituencies taking effect at the next General Election.

Statutory electorate range

- 3.4 Every constituency recommended must have an electorate (as at 2 March 2020) that is no less than 95% and no more than 105% of the 'UK electoral quota'. The UK electoral quota for the 2023 review is 73,393.
- 3.5 Accordingly, every recommended constituency must have an electorate as at 2 March 2020 that is no smaller than 69,724 and no larger than 77,062.

Other statutory factors

- 3.6 BCE may take the following factors into account in establishing a new map of constituencies for the 2023 review:
- Special geographical considerations, including in particular the size, shape and accessibility of a constituency;
 - local government boundaries as they existed (or were in prospect) on 1 December 2020;
 - boundaries of existing constituencies; and
 - any local ties that would be broken by changes in constituencies.

Proposals for Cumbria

- 3.7 There are currently six constituencies in Cumbria, none of which have electorates that are within the statutory electorate range therefore none are able to remain unchanged. Only five constituencies can be wholly allocated within the county boundary, necessitating one cross-county boundary constituency to be constructed, the larger part of which is within Lancashire.
- 3.8 Currently, there are two parliamentary constituencies within the boundaries of South Lakeland District Council – Westmorland & Lonsdale and part of Barrow & Furness. The initial proposals from the BCE make some significant changes to parliamentary constituencies within the boundaries of South Lakeland District Council, with no single constituency existing completely within the boundary of the council area. These are shown in the maps of the proposed constituency boundaries which can be found in Appendices 1-4.
- 3.8 BCE state that the options for pairing Cumbria with another county are limited by the Irish Sea to the west, and the border with Scotland to the north. It is not proposed any regional boundaries should be crossed unless unavoidable, so the option of Cumbria being paired with Northumberland or County Durham in the North East region, or North Yorkshire in the Yorkshire and the Humber region is not being suggested. As a result, BCE are proposing to pair Cumbria with Lancashire to the south and a constituency that crosses the county boundary between Cumbria and Lancashire
- 3.9 BCE are proposing a Westmorland and Eden constituency, which contains the entirety of Eden district, and extends into South Lakeland District. The wards from South Lakeland which are proposed to include are the Sedburgh & Kirkby Lonsdale ward, the Kendal Rural ward, and the five wards which constitute the town of Kendal itself. BCE consider the A6 and M6 provide strong transport links between Kendal and Penrith, which form the two major population centres within the proposed Westmorland and Eden constituency. This configuration avoids the arbitrary division of either town.

- 3.10 The South Lakeland district ward of Broughton & Coniston has been extensively reconfigured by the Local Government Boundary Commission for England. The inclusion of this reconfigured ward within the existing Barrow and Furness constituency would result in significant disruption across Cumbria. To avoid this BCE are proposing that the Barrow and Furness constituency be extended eastwards, across the Leven Estuary. BCE acknowledge that the direct transport links eastwards are not ideal. There is a railway line across the estuary, but no direct east-west road link wholly contained within the constituency. However, the A590 is the key road in this area of south western Cumbria, and connects both sections of the constituency, so no part is inaccessible. The proposed Barrow and Furness constituency is therefore largely the same as the existing constituency, but now includes the Cartmel and Grange wards, and no longer includes the Broughton & Coniston ward. BCE consider this arrangement allows for a more practicable configuration of constituencies across Cumbria, without fundamentally altering the nature of the existing Barrow and Furness constituency.
- 3.11 The proposed Copeland and the Western Lakes constituency is similar to the existing Copeland constituency with an extension eastwards into the South Lakeland District. The proposed constituency will therefore include the Broughton & Coniston, Ambleside and Grasmere, and Windermere wards. In order to maintain the entirety of Lake Windermere within a single constituency, and to avoid dividing the communities of Windermere and Bowness-on-Windermere, BCE propose dividing the Bowness & Levens ward between constituencies. BCE propose that the westernmost part of this ward, which contains Bowness-on-Windermere and covers the southern expanse of Lake Windermere itself, be included within the Copeland and the Western Lakes constituency. BCE consider that the division of this ward enables them to better reflect the community ties between the settlements on Lake Windermere, and results in Lake Windermere not being divided between constituencies. This allows one of the most iconic lakes of the Lake District to not only be included in a constituency which covers the majority of the UNESCO World Heritage Site, but also which is wholly contained within Cumbria.
- 3.12 BCE propose that the remainder of the divided Bowness & Levens ward be included with the Burton & Crooklands, and Arnside & Milnthorpe wards in the proposed Cumbria and Lancashire cross-county boundary constituency. They consider the existing Morecambe and Lunesdale constituency to be the most suitable for extension across the county boundary as its existing northern boundary lies along the entirety of the Cumbria-Lancashire boundary and there are effective transport links along the M6, A6 and A6070 roads. Aside from the addition of the Cumbrian wards, the bulk of the constituency remains largely unchanged. BCE propose that this constituency be called Morecambe and South Lakeland and consider that this name acknowledges both the county crossing, and is an accurate description of the constituency.

Response to the Consultation

- 3.13 If Council is minded to respond, Appendix 5 sets out some potential factors which the BCE may wish to take into consideration.

4.0 Appendices Attached to this Report

Appendix No.	Name of Appendix
1	Proposed Barrow and Furness Constituency
2	Proposed Copeland and Western Lakes Constituency
3	Proposed Morecambe and South Lakeland Constituency
4	Proposed Westmorland and Eden Constituency
5	Draft response to consultation

5.0 Consultation

5.1 The consultation is being undertaken by the Boundary Commission for England and the Council is responding to the consultation. The draft response has been discussed and circulated to party leaders for comment.

6.0 Alternative Options

6.1 An alternative option if for the Council not to respond to the consultation.

7.0 Implications

Financial, Resources and Procurement

7.1 At this stage this report is only considering the response to the consultation.

Human Resources

7.2 There are currently no Human Resources implications associated with this report.

Legal

7.3 The principal legislation governing parliamentary constituencies and boundary reviews is the Parliamentary Constituencies Act 1986 ("the 1986 Act"). The Parliamentary Constituencies Act 2020 amends the 1986 Act and makes provision in respect of the:

- number of parliamentary constituencies;
- rules governing the setting of the boundaries of parliamentary constituencies;
- conduct of boundary reviews by the Boundary Commissions; and
- process for bringing the Boundary Commissions' recommendations into effect.

Health and Sustainability Impact Assessment

7.4 Have you completed a Health and Sustainability Impact Assessment? No

7.5 If you have not completed an Impact Assessment, please explain your reasons: N/A

Equality and Diversity

7.6 Have you completed an Equality Impact Analysis? No

7.7 If you have not completed an Impact Analysis, please explain your reasons: N/A

Risk Management	Consequence	Controls required
That members are not able to influence the recommendations of the Boundary Commission.	Constituency arrangements which are not workable in practice.	Clear justification for proposing any changes

Contact Officers

Simon McVey, Operational Lead Support Services s.mcvey@southlakeland.gov.uk

Tom Benson, Specialist (Elections) tom.benson@southlakeland.gov.uk

Background Documents Available

Name of Background document	Where it is available
Boundary Commission for England Website – 2023 review pages	https://www.bcereviews.org.uk/

Tracking Information

Signed off by	Date sent	Date Signed off
Section 151 Officer	08/07/2021	14/07/2021
Monitoring Officer	08/07/2021	16/07/2021
CMT	08/07/2021	14/07/2021

Circulated to	Date sent
Lead Specialist	N/A
Human Resources Lead Specialist	N/A
Communications Team	15/07/21
Leader	15/07/21
Committee Chairman	N/A
Portfolio Holder	N/A
Ward Councillor(s)	N/A
Committee	N/A
Executive (Cabinet)	N/A
Council	19/07/21

This page is intentionally left blank