

South Lakeland District Council
Council

Wednesday, 19 May 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 19 May 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 19 May 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 for whom it has been agreed will not be in attendance at the Council meeting on 19 May 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 19th May 2021 will have a new 6 month period calculation for attendance purposes commencing on the 20th May 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. Council is requested to approve the following reason in respect of the Council meeting on 19 May 2021:

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 safety reasons, a number of councillors have agreed not to attend the Council meeting on 19 May 2021. 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 20 May 2021.

4.0 Consultation

- 4.1 Consultation has taken place with the Chairman, Leader, Portfolio Holder and Party Leaders.

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 19 May 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

- 7.6 Have you completed an Equality Impact Analysis? No
- 7.7 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 19 May 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 19 May 2021

Contact Officers

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

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	13/05/2021	13//05/2021
Section 151 Officer	13/05/2021	13/05/2021
Monitoring Officer	Report Author	Report Author
CMT	13/05/2021	13/05/2021

Circulated to	Date sent
Lead Specialist	N/A
Human Resources Lead Specialist	N/A
Communications Team	N/A
Leader	12/05/2021
Committee Chairman	13/05/2021
Portfolio Holder	13/05/2021
Ward Councillor(s)	N/A
Committee	N/A
Executive (Cabinet)	N/A
Council	N/A