



Request for a General Dispensation for Councillors Attending Remote Meetings

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Purpose of the Report

1. This report is to ask Members to approve a general dispensation under section 85 of the Local Government Act 1972 for any member of Council who, although not physically attending any in-person meetings over any six month period, attends at least 75% of the meetings they would normally be expected to attend in person on-line.

Public Interest

2. In the absence of a dispensation granted by the Council under section 85, any member of Council who fails to physically attend a meeting over a six month period will automatically cease to be a member by operation of law. As the Council has decided to continue to operate remotely for the time being, it is in the public interest to approve a general dispensation to ensure individual members who are attending meetings remotely in accordance with the Council's agreed procedures continue in office.

Recommendations

3. Council is asked to approve a general dispensation under section 85 of the Local Government Act 1972 for any member of Council who, although not physically attending any in-person meetings over any six-month period, attends at least 75% of the meetings they would normally be expected to attend in person on-line; this dispensation to last until 31 January 2022 and be reviewed as part of any review of the Council's remote consultative meeting and delegation arrangements.

Reason: to ensure the Council's decision to continue with remote consultative meetings does not cause any member attending meetings remotely to automatically cease to be a member under section 85 of the Local Government Act 1972.

Background

4. At the in person Full Council meeting on 8 July 2021, it was decided that Council and Committee meetings should continue to be held remotely as consultative meetings with all decisions (apart from those which could only be taken by full



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Council) continuing to be delegated to the Chief Executive for a further six months from that date, ie: to 8 January 2022.

5. Under section 85 of the Local Government Act 1972, any member who fails over a period of six consecutive months from the date of their last attendance to attend any meeting of their authority shall, unless the failure was due to a reason approved by that authority before the expiry of that period (a Dispensation), cease to be a member of that authority. Meetings include:
 - (a) any Committee or Sub-Committee of the authority;
 - (b) any Joint Committee, Joint Board or other body discharging functions of the authority; and
 - (c) attendance as a representative of the authority at a meeting of an outside body;

but, since 7 May 2021, do not include on-line, remote meetings.

6. in the absence of a Dispensation members who were:
 - (a) physically present at the meeting of Council on 8 July 2021 will automatically cease to be members of SSDC on 9 January 2022 unless they have attended an in person meeting during those 6 months; and
 - (b) not physically present at the meeting of Council on 8 July 2021 will automatically cease to be members of SSDC on 7 November 2021 unless they have attended an in person meeting during those 6 months.

7. On 16 January 2014, as part of a decision to approve an individual dispensation for then Councillor Chainey, the Chief Executive has delegated authority to agree:

“any future dispensations under section 85, in the event of there not being a timely meeting of Full Council to consider the matter...having obtained the agreement of all of the Group Leaders prior to giving such approval [and] subject to the Chief Executive reporting dispensations agreed under this delegation to the next appropriate meeting of Full Council.”

However, as this is a general dispensation rather than an individual dispensation and there are meetings of Council before the first critical date of 7 November 2021, this matter is being referred to Full Council.

Financial Implications

8. Granting a general dispensation will allow the business of the authority to continue without the need for officers and members to spend time dealing with individual dispensations for members who are attending the on-line consultative meetings in line with attendance expectations. **Note:** holding council meetings on-line has resulted in budget savings in travel allowances to attend meetings. The amount varies from month to month but is in the region of £1,000 to £1,400 per month.



Legal implications (if any) and details of Statutory Powers

9. Section 85 of the Local Government Act 1972.
<https://www.legislation.gov.uk/ukpga/1972/70/section/85>

Council Plan Implications

10. Our Values: Getting things done - Empowering dedicated and flexible employees and elected members focussed on delivery

Carbon Emissions and Climate Change Implications

11. The use of Zoom software to hold virtual meetings has reduced the need to travel to attend Council meetings and therefore resulted in reduced carbon emissions from vehicles across the district.

Equality and Diversity Implications

12. There are no equality or diversity implications.

Privacy Impact Assessment

13. Not applicable.

Background Papers

Council minutes of 16 January 2014
Section 85 of the Local Government Act 1972.
