

Extension of Six Month Attendance Rule

Cllr Angela Lax, Cabinet Member for Legal and Democracy

Date: 14 July 2020

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Key Decision? Y

Local Ward (All Wards)

Members

Lichfield
district council
www.lichfielddc.gov.uk

Full Council

1. Executive Summary

- 1.1 This report requests consideration for dispensation under the six month attendance rule under the Local Government Act 1972 to excuse the non- attendance of Councillor Bernard Brown.

2. Recommendations

- 2.1 That dispensation to the six month rule for non-attendance at meetings be granted to Councillor Bernard Brown; and
- 2.2 That the Head of Governance and Performance (Monitoring Officer) , in consultation with the Chairman of the Council, be delegated to approve dispensations to the six month rule when the reason is related to the Covid-19 virus pandemic.

3. Background

- 3.1 Section 85(1) of the Local Government Act 1972 requires a member of a Local Authority to attend at least one meeting of the Authority within a six month consecutive period, in order to avoid being disqualified as a Councillor.
- 3.2 Unfortunately, due to the Covid-19 pandemic, Councillor Brown, Summerfield and All Saints Ward, has not been able to attend any Council or Committee meetings since Planning Committee on 9 March 2020. The reason is that he is not able to use IT equipment to attend meetings virtually. A formal request has therefore been made for an extension to the six month rule to be approved in this respect.
- 3.3 Any approval for dispensation should be made by Full Council before the six months has lapsed which would be the beginning of September 2020.
- 3.4 The Council's Monitoring Officer has received a request for the Council to consider approving an extension to the usual six month attendance rule for Councillor Brown, enabling him to remain in office until he is able to resume normal duties. It is envisioned that this will be once safety guidelines from Covid-19 are fully lifted and normal meeting attendance can resume.
- 3.5 If an extension was not granted, Councillor Brown would be disqualified as of 10th September 2020.
- 3.6 The Covid-19 pandemic has created many unforeseen issues and so may mean other Councillors have similar problems in attending meetings or a second wave of the virus could create the same issues as seen now. To overcome this potential, it is proposed that the Head of Governance & Performance (Monitoring Officer), in consultation with the Chairman of the Council, be delegated to approve dispensations to the six month rule when the reason is related to the virus pandemic.

Alternative Options

1. Allow the six months to lapse and disqualify the Member from being a Councillor of Lichfield District Council.

Consultation	1. None
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Financial Implications	1. There are no direct financial implications arising this report. There would be a budget pressure however if a Councillor was disqualified as a by election could be required. All elections are postponed until 2021 so the pressure would be in the next financial year.
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Contribution to the Strategic Plan	1. A Good Council
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Crime & Safety Issues	1. There are no specific crime and safety issues arising from the report
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Environmental Issues	2. There are no specific environmental issues arising from the report
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GDPR/Privacy Impact Assessment	3. There are no GDPR/privacy issues arising from the report
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	Risk Description	How We Manage It	Severity of Risk (RYG)
A	Quorum at Committees is difficult to meet	Anticipated attendance to meetings is sought before the Committee date and managed if there were any concerns quorum would not be met.	Green
B	There is a feeling that Members are receiving allowances but not doing any Councillor work.	Attending meetings is only one element of being a Councillor. Requests to extend the six month rule is allowed within the Local Government Act 1972	Green

Background documents

Relevant web links http://www.legislation.gov.uk/ukpga/1972/70/section/85
