



Hinckley & Bosworth Borough Council

Forward timetable of consultation and decision making

COUNCIL 15 September 2020

Wards affected: All wards

Six month attendance rule

Report of the Monitoring Officer

1. Purpose of report

- 1.1 To give consideration to extending the period of absence for any councillor who is unable to attend meetings for a six-month period.

2. Recommendation

- 2.1 A waiver of the six month rule be granted for members who fail to attend meetings for the reasons listed in paragraph 3.4 until 7 May 2021 or until revocation of The Local Authority and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, whichever is the later.

3. Background to the report

- 3.1 Section 85(1) of the Local Government Act 1972 "Vacation of office by failure to attend meetings" states that if a member fails to attend any meeting of the authority for a period of six consecutive months from their last attendance, they cease to be a member of the authority.
- 3.2 Disqualification is automatic and dispensation cannot be granted retrospectively, but the authority can approve the reason for failure to attend before the expiry of the six month period.
- 3.3 Due to the current situation arising from COVID-19, all meetings are currently being held remotely using a video conferencing platform. This presents a problem for some councillors due to technical issues such as a poor internet connection or equipment failure. The authority is also holding fewer meetings

during this time, which reduces the opportunities for members to attend. Whilst the government has repealed some regulations relating to meeting procedures, it has not repealed the six month rule.

- 3.4 Illness, times of meetings conflicting with those of paid employment and technical issues have been experienced by some members during this time.
- 3.5 It is therefore recommended that a dispensation for failure to attend meetings be approved until 7 May 2021 or until the temporary regulations relating to meetings (The Local Authority and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) England and Wales) Regulations 2020) are revoked, whichever is the later.

4. Exemptions in accordance with the Access to Information procedure rules

- 4.1 Report to be taken in open session.

5. Financial implications (IB)

- 5.1 None.

6. Legal implications (MR)

- 6.1 Set out in the report.

7. Corporate Plan implications

- 7.1 This report supports all objectives of the corporate plan by supporting councillors to carry out their roles.

8. Consultation

- 8.1 No consultation has been undertaken.

9. Risk implications

- 9.1 It is the council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.
- 9.2 It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer's opinion based on the information available, that the significant risks associated with this decision / project have been identified, assessed and that controls are in place to manage them effectively.
- 9.3 The following significant risks associated with this report / decisions were identified from this assessment:

Management of significant (Net Red) risks

Risk description	Mitigating actions	Owner
Disqualification of councillors who are unable to attend meetings due to the current situation	Council grants a dispensation	Monitoring Officer

10. Knowing your community – equality and rural implications

- 10.1 This report supports all communities by ensuring continuous representation on the Council.
- 10.2 The report also takes account of and provides support for councillors' different circumstances

11. Climate implications

- 11.1 Whilst this report has no direct implications on climate change, the move to remote meetings during this period (which has resulted in the need for this decision) has a positive impact in reducing travel to meetings.

12. Corporate implications

- 12.1 By submitting this report, the report author has taken the following into account:
- Community safety implications
 - Environmental implications
 - ICT implications
 - Asset management implications
 - Procurement implications
 - Human resources implications
 - Planning implications
 - Data protection implications
 - Voluntary sector

Background papers: None

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