

## London Borough of Enfield

**Council**

**Meeting Date – 26<sup>th</sup> January 2022**

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**Subject: Proposed dispensation from the requirements of Section 85 Local Government Act 1972**

**Cabinet Member: N/A**

**Director: Director of Law & Governance**

**Key Decision: N/a**

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### **Purpose of Report**

1. Due to the ongoing coronavirus pandemic, Council is requested to approve a dispensation to all councillors from the requirements of section 85(1) of the Local Government Act 1972.

### **Proposals**

2. That Council approves a general dispensation to remain in place until the 25<sup>th</sup> May 2022 AGM, to all councillors from the requirements of Section 85(1) of the Local Government Act 1972.

### **Background**

3. Under the provisions of Section 85(1) of the Local Government Act 1972, if a councillor fails throughout a period of six consecutive months from the date of their last attendance to attend any meeting of the authority, they shall, unless the failure was due to some reason approved by the authority before the expiry of that period, cease to be a member of the authority.
4. Between and April 2020 and May 2021 the law was temporarily changed to provide that Members joining a virtual meeting were treated as being in attendance for the purposes of s85 above. This provision expired on the 7<sup>th</sup> May 2021, meaning all formal meetings of the Council must be held physically as was the case pre-Covid, Members must be physically present to count as attending.
5. Given that the council needs to consider at relatively short notice, during periods of peak infection of Covid-19, the public health risk to members, officers and members of the public to physical attendance at meetings, there may not be sufficient time to receive a dispensation from Council, and members may find themselves disadvantaged, and affected by the 6-month rule.

6. Without a change to primary legislation that allows virtual attendance at meetings to be counted, a dispensation covers all members during this period of uncertainty.

### **Main Considerations for the Council**

7. Council has the authority to approve the general dispensation.

### **Safeguarding Implications**

8. None related to this report.

### **Public Health Implications**

9. The risk from Covid fluctuates throughout the year. During periods of high infection rates, in order to minimise the risk to councillors, officers and members of the public, the council may need to take action and review how committee meetings are conducted in order to reduce the risk to public health.

### **Equalities Impact of the Proposal**

10. No equalities impact is required for this report

### **Environmental and Climate Change Considerations**

11. None

### **Risks that may arise if the proposed decision and related work is not taken**

12. With no other alternative arrangements but physical attendance put in place for council meetings, members could be disqualified from being a councillor due the effects of the pandemic.

### **Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks**

13. Recording and monitoring of Member attendance will continue in the usual way.

### **Financial Implications**

14. There are no financial implications relating to the proposals contained in this report.

### **Legal Implications**

15. This is a report of the Director of Law and Governance.

### **Workforce Implications**

16. There are no workforce implications.

### **Property Implications**

17. There are no property implications

### **Other Implications**

18. There are no other implications.

### **Options Considered**

19. No other options are available.

### **Conclusions**

20. In the absence of changes to primary legislation which will allow formal meetings of the council to be held virtually, the proposals detailed within the report aim to ensure that members are not disadvantaged by non-attendance at meetings either through illness due to covid-19, or when the council considers that the health risk to members, officers and public are greater than the requirement to physically attend formal meetings of the council.

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Date of report 17 January 2021

### **Background Papers**

None.