

Birmingham City Council

Council Business Management Committee

23 March 2020



Subject: Dispensation for Non-Attendance of Councillors at Council Meetings

Report of: Acting City Solicitor

Report author: Emma Williamson, Head of Scrutiny Services
emma.williamson@birmingham.gov.uk / 07730 281718

Does the report contain confidential or exempt information? ☐ Yes ☒ No

If relevant, state which appendix is exempt, and provide exempt information paragraph number or reason if confidential:

1 Executive Summary

- 1.1 This report provides details of a recommendation that the Council Business Management Committee, on behalf of the Council, approve a period of absence from meetings by Councillors pursuant to section 85 of the Local Government Act 1972.

2 Recommendations

- 2.1 That Council Business Management Committee approves the non-attendance of all Councillors at Council meetings from 23 March 2020 until 23 September 2020 for coronavirus related reasons, pursuant to S85 Local Government Act 1072.

3 Background

- 3.1 Section 85(i) of the Local Government Act 1972 states “if a member of a local authority fails throughout a period of six consecutive months from the date of his last attendance to attend any meeting of the Authority, he 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”.
- 3.2 Attendance in an official capacity at a meeting of a committee or sub-committee of the Council or at any meeting of a joint committee or other such body discharging functions of the Council or at any meeting as a representative of the Council is deemed to be a ‘meeting of the Council (section 85(ii)).

- 3.3 If after six months from the date of a member's last attendance to attend any meeting, the Council has not approved the absence then the member as a result of the operation of law ceases to be a member of the Council from that date. The six months runs from the date of the member's last attendance and approval must be given within that six month period.
- 3.4 Once approval has been given **and it can be for no more than 6 months** prospectively or retrospectively or a combination of both – this statutory six months period begins to run from the end of the period for which approval has been given.

4 Recommended Proposal

- 4.1 The Council is changing how it conducts its business in response to the coronavirus pandemic. This includes cancelling many formal meetings to reduce social contact. It should also be recognised that members may be required to self-isolate (some for long periods).
- 4.2 Therefore, it is proposed that dispensations be granted as set out in Section 2. If the dispensation is not granted, then either the Councillors must attend council meetings (which may require meetings to be held in order to allow councillors to meet the six month requirement) or be automatically disqualified as a Councillor.
- 4.3 If the pandemic continues to have a significant impact, then a further report requesting dispensation may be presented to CBM before expiry of the six month period.