



RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2019 - 2020

COUNCIL

18th March 2020

Dispensation for Councillor Leave of Absence – All Councillors

**JOINT REPORT OF THE DIRECTOR OF LEGAL SERVICES & SERVICE
DIRECTOR – DEMOCRATIC SERVICES & COMMUNICATIONS**

1. PURPOSE OF THE REPORT

1.1 To seek dispensation for Councillor leave of absence in accordance with Section 85 of the Local Government Act 1972.

2. RECOMMENDATIONS

It is recommended that Members:

- 2.1 Note that having regard to UK, WG and Public Health Wales guidance the majority of Council Committees requiring Councillor attendance are being cancelled and that it is not known when normal operation of Council business, which is not time critical will resume;
- 2.2 Agrees that in the event any Councillor listed in Appendix A cannot attend a Council meeting, for a period of 6 consecutive months, owing to the Covid-19 virus then their failure to attend any meetings is approved by the Council in accordance with Section 85 of the Local Government Act 1972.

3. INTRODUCTION

- 3.1 The World Health Organisation (WHO) recently declared the Covid-19 Virus as a pandemic. In light of this, it is possible that a number of Councillors may have to self-isolate. Self-isolation could lead to a Councillor being absent for a period of many months. This could result in a breach of Section 85 of the Local Government Act 1972 whereby failure to attend meetings of the Authority for a period of 6 consecutive months would mean that the Councillor would cease to be a member.
- 3.2 However Section 85 of the Act also provides that the Councillor shall cease to be a member of the Authority unless the failure to attend was due to some reason approved by the Authority before the expiry of the 6 consecutive month period.

- 3.3 As the approval has to be prior to the expiry of the 6 month period and as it is currently unknown in light of the pandemic when normal Council meetings arrangements will be reinstated Council is being asked to make this decision now in the event that future meetings may be some way off.

4. Quorum & Self-Isolation

- 4.1 Whilst this report will allow Councillors the opportunity to remove themselves from attending Committees due to the Covid-19 pandemic and the corresponding advice, Councillors must be mindful of the need to ensure that a meeting if called, would be required to be quorate.
- 4.2 In the event that any meeting is called (including via Remote Attendance), any Councillor able to attend may wish to do so.
- 4.3 In circumstances where meetings may be necessary, attendance arrangements will be proposed in consultation with the respective Group Leaders.

5. Current arrangements

- 5.1 In response to public health advice and in-line with the approach being taken by other local authorities in Wales a decision was taken by Officers to postpone all non-time-critical meetings of the Council. This was communicated to members by the Service Director – Democratic Services & Communications (HODS) on Monday 16th March.
- 5.2 On Wednesday 18th March 2020, the Leader of the Council published an [urgent decision](#) in respect of how the Leader's Scheme of Delegation may be required to operate in a range of different scenarios.
- 5.3 Throughout this period the HODS will communicate relevant information to Group Leaders and when appropriate all elected members.

6. Financial Implications

- 6.1 There are no financial implications associated with this report.

7. Legal Implications

- 7.1 There are no legal implications associated with this report other than those mentioned within the report.
- 7.2 The Council has been advised by the Welsh Local Government Association, that appropriate legislative arrangements are being drafted to consider the issue of member attendance during this period of uncertainty and other associated statutory requirements relating to members or the democratic processes of local authorities.

8. Conclusion

Members are advised that approval for this dispensation would be appropriate based upon the continually involving public health advice.

LOCAL GOVERNMENT ACT 1972

as amended by

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

LIST OF BACKGROUND PAPERS

COUNCIL

18TH March 2020

**REPORT OF THE SERVICE DIRECTOR – DEMOCRATIC SERVICES AND
COMMUNICATIONS**

REPORT