



**DORSET & WILTSHIRE
FIRE AND RESCUE
AUTHORITY**

Item 20/19

MEETING	Dorset & Wiltshire Fire and Rescue Authority
DATE OF MEETING	18 June 2020
SUBJECT OF THE REPORT	Dispensation for non-attendance at meetings and approval of temporary changes to Standing Orders
STATUS OF REPORT	For open publication
PURPOSE OF REPORT	For approval
EXECUTIVE SUMMARY	<p>Under Section 85 of the Local Government Act 1972 if a member does not attend the full Authority or a committee meeting in any six-month period since their last attendance, then they will automatically cease to be a member of the Authority. This provision applies automatically unless the failure to attend is approved in advance by the full Authority.</p> <p>This report seeks a general approval and dispensation from attending meetings so that no members of the Authority lose office as a result of being unable to attend during the Covid-19 pandemic.</p> <p>The report also seeks the approval of revised temporary Standing Orders to facilitate virtual meetings.</p>
RISK ASSESSMENT	<p>Restrictions on gatherings are one of the measures introduced nationally to restrict the transmission of Covid-19. The Government has made regulations to enable virtual meetings of Fire and Rescue Authorities and this report builds upon those arrangements. Without a section 85 approval there is a risk that infrequent virtual meetings and individual illness might result in some members losing office through no fault of their own.</p>
COMMUNITY IMPACT ASSESSMENT	None for the purposes of this report.

BUDGET IMPLICATIONS	None for the purposes of this report.
RECOMMENDATIONS	<ol style="list-style-type: none"> 1. That under Section 85 of the Local Government all members of the Authority receive a dispensation from attending meetings. 2. That in order to facilitate virtual meetings members approve the temporary changes to Standing Orders set out in appendix A to this report. 3. That the Section 85 dispensation and temporary Standing Orders should remain in place until 7 May 2021, in line with the regulations enabling virtual Authority and committee meetings. 4. That the Authority suspends meetings until mid-September 2020. (meetings listed in paragraph 4.1)
BACKGROUND PAPERS	<ol style="list-style-type: none"> 1. <u>The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 No. 392.</u> 2. Dorset & Wiltshire Fire and Rescue Authority Standing Orders.
APPENDIX	Appendix A – Proposed temporary Standing Orders
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1. Introduction

- 1.1 On 23 March 2020, the Prime Minister announced that in order to limit the spread of Covid-19 lockdown measures would be introduced in the UK.
- 1.2 As part of the response to these unprecedented measures face-to-face committee meetings were cancelled across local government. For the Authority this led to the cancellation of all four Local Performance and Scrutiny Committee meetings that would otherwise have taken place in May 2020. The last Authority meeting that all members were entitled to attend was on 12 February 2020.
- 1.3 Local government law has required that full Authority and committee meetings must involve the physical attendance of members in one place. Remote or virtual “attendance” via video conferencing or similar has not previously counted as attendance at a meeting. In order to count towards the quorum and in order to be able to vote a member has had to be present in the meeting room.
- 1.4 As part of the response to the Covid-19 pandemic the Government has made regulations removing the requirement for physical attendance in one place and giving the Authority and councils the power to hold meetings remotely by virtual attendance. [The Local Authorities and Police and Crime Panels \(Coronavirus\) \(Flexibility of Local Authority and Police and Crime Panel Meetings\) \(England and Wales\) Regulations 2020](#) came into force on 4 April 2020. These regulations will remain in force until 7 May 2021.
- 1.5 In addition to introducing the flexibility to hold virtual meetings the regulations have removed the requirement to hold an annual meeting in 2020. Instead current office holders (whose offices would ordinarily have been appointed to at the Authority annual meeting in June 2020) remain in office until the next annual meeting (which the Chair has agreed will be held in June 2021). The removal of the requirement to hold an annual meeting is a recognition of the need for stability in political leadership during the pandemic.

2. Section 85 Local Government Act 1972

- 2.1 Under Section 85 of the 1972 Act, 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 or one of its committees then s/he shall cease to be a member of the Authority.
- 2.2 Section 85 includes as an exception that a member will not lose office if their failure to attend was due to some reason approved by the Authority before the expiry of that period.

- 2.3 The Coronavirus regulations give welcome flexibility to hold virtual meetings. Nevertheless, even in ordinary times Authority meetings occur less frequently than in the constituent councils. If, for whatever reason, a member is unable to attend the virtual meeting on 18 June 2020 then without a section 85 approval a member who last attended an Authority meeting in February 2020 might find that they cease to be a member of the Authority during August 2020.
- 2.4 Although lockdown restrictions are beginning to ease, we do not know how long restrictions on face to face meetings might last, only that the Coronavirus regulations extend virtual meeting flexibilities into May 2021. Nor do we know how long restrictions will continue for those in the most shielded group and there will be an ongoing risk that Members might (through no fault of their own) lose office through a failure to attend meetings.
- 2.5 A general dispensation from attending meetings until 6 May 2021 will remove that risk.

3. Standing Orders

- 3.1 The Authority Standing Orders were designed to regulate face-to-face meetings of Members present in the same meeting place. They do not address the particular issues that arise from conducting virtual meetings.
- 3.2 The appended proposed Standing Orders include changes to facilitate virtual meetings and if approved would remain in force until 7 May 2021.
- 3.3 The proposed Standing Orders will be supplemented by guidance notes to Members and Officers on conducting virtual meetings.

4. Future meetings of the Authority

- 4.1 The following Authority and Committee meetings are currently scheduled to take place up until the beginning of September 2020:
- Local Firefighters Pension Board on 2 July 2020
 - Finance and Audit Committee on 28 July 2020
 - Dorset Local Performance and Scrutiny Committee on 25 August 2020
 - Bournemouth, Christchurch and Poole Local Performance and Scrutiny Committee on 27 August 2020

- Swindon Local Performance and Scrutiny Committee on 2 September 2020
- Wiltshire Local Performance and Scrutiny Committee on 3 September 2020.

4.2 It is proposed that these meetings are cancelled, and that business and reporting is included in subsequent meetings.

June 2020