



Emergency Powers Executive Decisions Agenda

Wyre Borough Council
Date of Publication: 3 June 2020
Please ask for : Democratic Services
democratic.services@wyre.gov.uk

Emergency Powers Executive Decisions meeting on Wednesday, 3 June 2020 at 9.00 am in the Chief Executive's office

- 1. Councillors: dispensation for non-attendance at meetings** (Pages 3 - 6)

Garry Payne, Chief Executive, will consider, using the emergency powers delegated to him on 22 April 2020, a report recommending that councillors be granted a dispensation to continue to act as councillors without attending meetings until 13 May 2021.

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Report of:	To	Date
Clare James, Corporate Director Resources	The Chief Executive	3 June 2020

Councillors: dispensation for non-attendance at meetings

1. Purpose of report

- 1.1 To approve a dispensation to enable councillors to continue to act in their roles as elected members of the Council until 13 May 2021 without having to attend meetings.

2. Outcomes

- 2.1 Councillors will be able to continue their roles as elected members.

3. Recommendations

- 3.1 That councillors be granted a dispensation to continue to act as councillors without attending meetings until 13 May 2021.

4. Background

- 4.1 Councillors who fail to attend a meeting of the Council for a period of 6 months automatically cease to be a councillor, and a vacancy is declared in accordance with section 85 (1) of the Local Government Act 1972. However, the Council can agree to waive this requirement when the circumstances merit.

5. Key issues and proposals

- 5.1 On 22 April 2020 the Chief Executive's decision to declare a major incident for Wyre under the Civil Contingencies Act 2004 and invoke the powers under this legislation and those in cases of emergency or disaster, as referred to in the Council's Constitution in Part 7.02/2 paragraph 5, was noted by the Cabinet.
- 5.2 It was agreed that executive decisions and certain non-executive decisions be delegated to officers using emergency powers invoked during a major incident, namely the Covid-19 pandemic.

5.3 In the light of the Covid-19 outbreak, with the temporary cancellation of all Council meetings and the requirements of lockdown and social distancing/isolation measures, it has not been possible for many members to attend meetings for some time. As there is no certainty when these measures will be amended or lifted, it is proposed that the dispensation, which is an executive function, be applied for all councillors until 13 May 2021. Most local authorities, including Wyre, had previously assumed that this was a Council function but recent advice from a QC has confirmed that dispensation is an executive function.

5.4 It should be noted that, as and when meetings are reinstated, remote attendance counts as attendance until 7 May 2021 under The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.

Financial and legal implications	
Finance	There are no financial implications as a result of this report.
Legal	There are no additional legal implications over and above those included in this report.

Other risks/implications: checklist

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There are no significant implications arising directly from this report, for those issues marked with a x.

risks/implications	✓ / x
community safety	x
equality and diversity	x
sustainability	x
health and safety	x

risks/implications	✓ / x
asset management	x
climate change	x
ICT	x
data protection	x

Processing Personal Data

In addition to considering data protection along with the other risks/ implications, the report author will need to decide if a 'privacy impact assessment (PIA)' is also required. If the decision(s) recommended in this report will result in the collection and processing of personal data for the first time (i.e. purchase of a new system, a new working arrangement with a third party) a PIA will need to have been completed

and signed off by Data Protection Officer before the decision is taken in compliance with the Data Protection Act 2018.

report author	telephone no.	email	date
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List of background papers:		
name of document	date	where available for inspection
None.		

List of appendices

None.

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