

Report to Council



Date of Meeting	14 th October 2020
Portfolio	Leader of the Council and Cabinet Member for Finance
Report Author	Michael Garraway
Public/Private Document	Public

Non-attendance at meetings

Executive Summary

1. Council is required to consider and authorise an absence from attendance at meetings in accordance with S85 (1) of the Local Government Act 1972.

Where a member is unable to attend any meeting of the authority for a period of 6 consecutive months following the date of their last attendance, they automatically cease to be a member of the authority, unless Council has resolved to approve a reason for an extended absence.

Recommendation

2. That Council resolves, having regard to the circumstances of the absence of Councillors Farnell and Hornby from Council meetings, to waive the requirements of Section 85 (1) of the Local Government Act 1972, within the Municipal Year, or until as such time as the Council is able to hold meetings in person, suitable equipment is sourced for the Members, or the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 revoked.

Reason for Recommendation

3. This is a matter for Full Council to determine.

Key Points for Consideration

4. S85 (1) of the Local Government Act 1972 provides that "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 that authority". For the purposes of the legislation, 'meetings of the authority' includes Committee and Sub-Committee meetings.

- 4.1 At the meeting of Council held on 15 July 2020 approval was given to waive the requirements for all members to attend meeting until 14 October 2020.
- 4.2 Without a resolution of the Council under S85 (1) of the 1972 Act, Councillors Farnell and Hornby would cease to be Councillors as of 15th October 2020. No by-election to fill the casual vacancies can be called before May 2021.
- 4.3 Council can only consider a reason to waive the requirements of the 1972 Act prior to the end of the 6 month period. This cannot be approved retrospectively.
- 4.4 Whilst the Council has successfully implemented video technology to hold Committee meetings 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, inherent risks remain including Members becoming ill, or encountering technological failures with their broadband supplier which sometimes prevent virtual attendance at the meeting.
- 4.5 Councillor Farnell has been unable to attend a video meeting due to incompatibility with his hearing assistance equipment and the computer technology supplied by the Council. As a result Councillor Farnell has been unable to meet with the requirements of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, that he 'be able to hear and be heard'. The Council has been unable to source suitable equipment at this time.
- 4.6 Councillor Hornby's Arthritis and associated medical problems have proven to restrict her ability to operate the available Council computing equipment to successfully join a meeting. The Council has been unable to source suitable equipment at this time.
- 4.7 While being unable to access video meetings, both members have demonstrably continued to undertake their duties as local ward members dealing with constituents' complaints and enquiries and liaising with Council officers on their behalf.

Alternatives considered

- 4.8 Council could resolve not to approve the reason for absence and not waive the requirements of the 1972 Act.

Costs and Budget Summary

5. There are no budget implications associated with this report

Risk and Policy Implications

6. Should any Councillor lose office, through failure to attend for the six month period, the disqualification cannot be overcome by the councillor

subsequently resuming attendance nor can retrospective approval of the Council be sought for an extension in time.

Consultation

7. No consultation has been undertaken.

Background Papers	Place of Inspection
8. There are no background papers	None applicable

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