

Meeting Council
Portfolio Area
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RESOLUTION TO GRANT APPROVAL FOR COUNCILLOR ABSENCE AT COUNCIL MEETINGS

SECTION 85 LOCAL GOVERNMENT ACT 1972

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1. PURPOSE

- 1.1. To seek Council's approval, in accordance with section 85(1) of the Local Government Act 1972 for Councillor non-attendance at in person meetings of the Council for reasons related to the ongoing Coronavirus Pandemic.

2. RECOMMENDATIONS

- 2.1. That Council approves, in accordance with Section 85 of the Local Government Act 1972, non-attendance for any Councillor unable to attend meetings in person due to the ongoing impact of the Coronavirus pandemic. The period of approval to commence from 15 December 2021 and will expire on 24 May 2022 (the day immediately before Annual Council).

3. BACKGROUND

- 3.1. Following the expiry of the “The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 in May 2021 it has been necessary for all formal meetings of the Council (including Council, Committees and the Executive) to take place in person.
- 3.2 The challenges posed by the Coronavirus Pandemic, including the emergence of new variants which have the potential to cause a more serious level of illness (Delta) or have a greater rate of infection (Omicron), continue to evolve.
- 3.3 Whilst it is hoped that the illness caused by Covid-19 should be less severe for those who have been fully vaccinated, it is still possible for individuals to contract the virus and pass that infection on to others. There is clear evidence that many of those who have contracted Coronavirus are symptom free and unaware that they are transmitting the virus.
- 3.4 Councillors (as with all members of the public and Council officers) are currently required to self-isolate should they fall ill with Covid-19 and / or may be otherwise unable to attend at in person meetings for reasons related to potential infection with the virus (that cannot be managed by the use of face-coverings and social distancing).

4. REASONS FOR RECOMMENDED COURSE OF ACTION AND OTHER OPTIONS

- 4.1. The recommendation at 2.1 above will allow any Councillor who is unable to attend a qualifying meeting for any coronavirus related reason before 24th May to continue to act as a Borough Councillor where they would otherwise fall foul of the six-month disqualification rule as set out in section 85 of the Local Government Act 1972.
- 4.2. Members are invited to approve non-attendance for coronavirus related issues until 24 May 2022; if there are reasons to continue approval after the May elections this will be sought as part of the annual constitutional update report so as to ensure that all members of the Council have the potential benefit of this exemption for the same period of time.

5. IMPLICATIONS

Financial Implications

- 5.1. None

Legal Implications

- 5.2. Section 85(1) of the Local Government Act 1972 provides:

... 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.

Council is therefore permitted to give prior approval for any non-attendance for any reason connected to the effect of the ongoing coronavirus pandemic. Without this approval any Councillor unable to attend a qualifying meeting, and who would otherwise not meet the qualifying attendance requirements, will cease to be a member of this Authority.

Policy Implications

5.3. None.

Planning Implications

5.4. None.

Climate Change Implications

5.5. None.

Equalities and Diversity Implications

- 5.6. When considering proposals placed before Members it is important that they are fully aware of and have themselves rigorously considered the equalities implications of the decision that they are taking.
- 5.7. Rigorous consideration will ensure that proper appreciation of any potential impact of that decision on the Council's obligations under the Public Sector Equalities Duty. As a minimum this requires decision makers to read and carefully consider the content of any Equalities Impact Assessment (EqIA) produced by officers.
- 5.8. The Equalities Act 2010 requires the Council when exercising its functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (c) foster good relations between persons who share protected characteristics under the Equality Act and persons who do not share it. The protected characteristics under the Equality Act are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex and sexual orientation.
- 5.9. If approved, the recommendation at 2.1 above will ensure that all Councillors, including those with protected characteristics and who may not be able to attend council for reasons related to the ongoing coronavirus pandemic, are able to continue to act as Members of the Council when they may otherwise be disqualified by reason of the six month rule as set out in section 85 Local Government Act 1972.