

COUNCIL

21 JULY 2020

REPORT OF ASSISTANT DIRECTOR (GOVERNANCE) & MONITORING OFFICER

A.2 APPROVAL OF MEMBERS' NON-ATTENDANCE AT MEETINGS

(Report prepared by Ian Ford and Lisa Hastings)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To approve the reasons for Members' non-attendance at meetings of the Council etc. during the current public health emergency caused by the Covid-19 coronavirus.

EXECUTIVE SUMMARY

Council will be aware that if a Councillor does not attend any meeting of the Council (or any of its Committees or Sub-Committees) for a consecutive period of six months, Section 85 of Part V of the Local Government Act 1972 disqualifies them unless the Full Council approves the reason for non-attendance before the end of that period.

Sub-section (2A) refers to Council's operating executive arrangements and if a member of the executive of that local authority, fails throughout a period of six consecutive months from the date of their last attendance to attend any meeting of the executive, they shall, unless the failure was due to some reason approved by the local authority before the expiry of that period, cease to be a member of the local authority.

Due to the ongoing public health emergency caused by the Covid-19 coronavirus there has been a significant disruption to the ordinary conduct of the Council's democratic business and several of the Council's Committees have not been able to meet and are unlikely to do so before September 2020 at the earliest.

As a result there are a number of Members who have not been able to attend a meeting for some time and are in danger of being disqualified from office under Section 85 of the Local Government Act 1972 through no fault of their own.

There is therefore a very real danger that a number of seats on the Council will fall vacant and Council will be aware that, under the provisions of Regulation 5 of The Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020, no by-elections can currently be held to fill vacant local authority seats until, at the earliest, 6 May 2021. This would undoubtedly result in a serious detrimental effect on the Council's ability to conduct its democratic decision making business and also leave a significant number of the District's residents with reduced or even no Ward Member representation on the Council.

Members will have noted that a later report on this agenda seeks approval for a programme of meetings to be approved for the period August 2020 to April 2021. Included within that programme of meetings is a proposed meeting of the Full Council to be held on Tuesday 15 September 2020.

It is therefore proposed that Council approves the reasons (namely illness and/or cancellations of meetings due to the Covid-19 public health emergency) for non-attendance for those Councillors listed in the Appendix to this report who would otherwise be disqualified from office in the period 22 July 2020 up to and including 15 September 2020 due to a failure to attend meetings for a six

month period.

In the event that Council approves the relevant recommendation set out below, those Councillors would gain a further six months' period of grace, from 21 July 2020, in which they would need to attend a meeting of Council, or a Council Committee, before its' expiry in order to remain a Councillor (or otherwise be subject to a fresh approval of absence by Council prior to that date).

The Council's Portfolio Holder Constitution Review Working Party is considering how to record attendance of an elected member at a formal meeting by remote access if they are not participating and this will be included within a future report to Full Council.

Please note that this report does not cover Councillor Overton's period of absence which has already been extended until 7 October 2020 under a previous decision by the Chief Executive, in accordance with urgency provisions, following consultation with all Members prior to the new remote meeting regulations being in force.

RECOMMENDATION(S)

That the Council approves the reasons (namely illness and/or cancellations of meetings due to the Covid-19 public health emergency) for non-attendance for those Councillors listed in the Appendix to this report who would otherwise be disqualified from office in the period 22 July 2020 up to and including 15 September 2020 due to a failure to attend meetings for a six month period.

BACKGROUND PAPERS

The Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020.

The Local Government Act 1972.

The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020

APPENDIX

List of Councillors who would otherwise be disqualified from office in the period 22 July 2020 up to and including 15 September 2020 due to a failure to attend meetings for a six month period.