

	<p align="center"><b>Full Council</b> 12<sup>th</sup> July 2021</p>
	<p align="center"><b>Report from the Director of Legal, HR Audit &amp; Investigations</b></p>
<p><b>Resolution to approve reason for non-attendance at meetings</b></p>	

<b>Wards Affected:</b>	N/A
<b>Key or Non-Key Decision:</b>	Council
<b>Open or Part/Fully Exempt:</b> (If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)	Open
<b>No. of Appendices:</b>	None
<b>Background Papers:</b>	None
<b>Contact Officer(s):</b> (Name, Title, Contact Details)	Debra Norman, Director of Legal and HR Services 0208 937 1578 <a href="mailto:debra.norman@brent.gov.uk">debra.norman@brent.gov.uk</a>

## 1.0 Purpose of the Report

- 1.1 Section 85(1) of the Local Government Act 1972 requires a member of a Local Authority to attend at least one meeting of that Authority within a 6 month consecutive period in order to avoid being disqualified as a Councillor.
- 1.2 This requirement can be waived if any failure to attend was due to a reason approved by the Authority in advance of the 6 month period expiring.
- 1.3 This report asks that the Council approve as a reason for failure by a member to attend for a 6 month period a meeting of the Council, Cabinet or any committee or sub-committee of the Council the circumstances specified in the report related to Covid19 (Coronavirus).

## 2.0 Recommendations

- 2.1 To approve in relation to each member of the Council in accordance with Section 85 of the Local Government Act 1972 the reason set out at 2.2 in respect of non-attendance of any member until the Council's annual meeting in May 2022.

2.2 The councillor has been unable to attend as a member (including remote attendance during the period that the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 were in force) any relevant meeting (see paragraph 3.1) throughout a 6-month period due to the circumstances set out in paragraph 3.4 of this report.

### 3.0 Detail

3.1 Section 85 of the Local Government Act 1972 (section 85) provides that if a member of a local authority fails, throughout a period of six consecutive months from the date of their last attendance, to attend any meeting of the authority, they 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. Attendance as a member at a meeting of any committee, sub-committee, joint committee, joint board or other body which is discharging functions of the authority or which is appointed to advise the authority also counts, as does attendance as representative of the authority at a meeting of any body of persons.

3.2 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, attendance at meetings for the purposes of section 85 could be via a virtual platform, with Brent Council providing for such attendance via Zoom. These Regulations ceased to apply from 7 May 2021 and only physical attendance now counts as attendance for the purposes of s85, other than in the case of meetings of the Licensing Committee to which specific legislation applies.

3.3 This means that there is a risk that members may be unable to attend meetings if they are unwell or self-isolating or in quarantine due to Covid 19. In addition, some councillors with underlying health issues or other vulnerabilities, even if they have received one or two vaccinations, may continue to be anxious about attending council meetings at the current time. The Civic Centre is a Covid secure building and meetings are organised to ensure appropriate social distancing but it is nevertheless felt some anxieties may remain.

3.4 Council is asked to agree in relation to each and every councillor that *where failure to attend a relevant meeting at any time prior to the Council's Annual meeting in May 2022 (including prior to this July council meeting) is due to the circumstances in paragraph 3.5, the failure to attend is for a reason approved by the Council for the purposes of section 85.*

3.5 The circumstances referred to at paragraph 3.4 are that the councillor:

1. had tested positive for COVID19; or
2. was self-isolating or quarantining (whether or not on the instruction or advice of any public authority or medical professional) in relation to COVID19;or

3. has underlying health issues or other vulnerabilities and did not feel able to physically attend the meeting for that reason.

3.6 Council is asked to approve this reason for non-attendance.

#### **4.0 Financial Implications**

4.1 None.

#### **5.0 Legal Implications**

5.1 These are contained in the body of the report.

#### **6.0 Equality Implications**

6.1 Under section 149 of the Equality Act 2010, the council has a duty when exercising its functions to have “due regard” to the need to eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act and advance equality of opportunity and foster good relations between persons who share a protected characteristic and persons who do not. This is the public sector equality duty. The protected characteristics are age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

6.2 No equalities implications arise directly from this report, although the approval of the reason for non-attendance set out in this report will protect councillors who have underlying health conditions or other vulnerabilities relating to COVID19 from being disqualified where this leads to their non-attendance at relevant meetings.

#### **7.0 Consultation with Ward Members and Stakeholders**

7.1 The proposals in this report have been considered by the Council’s Constitutional Working Group.

#### **8.0 Human Resources/Property Implications (if appropriate)**

8.1 None.

**Report sign off:**

**DEBRA NORMAN**

Director of Legal, HR, Audit & Investigations