



Full Council
13 July 2020

**Report from the Director of Legal,
HR Audit & Investigations**

Resolution to approve reason for non-attendance at meetings

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

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 2021:

2.2 The councillor has been unable to attend as a member (including remote attendance) any relevant meeting (see paragraph 3.1) throughout a 6-month period due to the circumstances set out in paragraph 3.5 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 (a relevant meeting”).

3.2 Prior to the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 (the Meetings Regulations) coming into effect, attendance at meetings for the purposes of section 85 could only be through physical presence. Since the advent of the COVID19 (Coronavirus) pandemic, such attendance has posed a health risk to councillors, especially those with underlying health issues or other vulnerabilities.

3.3 As it is now possible to attend meetings virtually, this particular issue does not arise. However, there have been fewer meetings than usual during the first half of 202 and as the virus is still active in the community, there is still a risk that a member may become seriously ill with the virus and be unable to attend a meeting for that reason.

3.4 In order to cover the period prior to this council meeting up to the time when elections will again be possible, 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 2021 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 are that prior to 4 April 2020 when the Meetings Regulations came into effect the member:

1. had tested positive for COVID19; or
2. was suspected of having or suspected that he/she has contracted COVID19; or
3. was self-isolating (whether or not on the instruction or advice of any public authority or medical professional) in relation to COVID19; or
4. was unable to attend the relevant meeting because the meeting is cancelled or postponed for a reason relating to COVID19

or, since the Meetings Regulations came into effect, the member has tested positive for COVID19 and was or is too unwell to attend the relevant meeting remotely.

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.

Background Papers

None

Report sign off:

Debra Norman

Director of Legal, HR, Audit & Investigations