

COUNCIL – 8TH NOVEMBER 2021

Report of the Chief Executive

ITEM 6.3 AUTHORISATION OF ABSENCES

Purpose of Report

To enable the Council to consider authorising absences from meetings in accordance with section 85(1) of the Local Government Act 1972 ('The 1972 Act'), in the circumstances set out in the report.

Recommendations

1. That Councillor Pacey's absence from meetings since the full Council meeting on 17 May 2021 be authorised due to his ill health.
2. That Councillor absences in the following circumstances be approved under the provisions of The 1972 Act (ie. they will not count as absences towards the six month rule for the potential disqualification of Councillors for non-attendance), for the remainder of the 2021/22 Civic Year:
 - (a) Virtual remote attendance via electronic means at non-decision making committees, panels and bodies, and
 - (b) Non-attendance in circumstances where it has been agreed that 'quorum only' meetings will take place to reduce the risks associated with the potential spreading of Covid-19, and a Councillor's attendance is not required to contribute towards the specified quorum.

Reasons

1. To enable Councillor Pacey's absence to be authorised by the Council prior to the end of the 6-month period since he was last able to attend a meeting as required by section 85(1) of the Local Government Act 1972.
2. To gain the Council's authorisation in designated specific circumstances designed to minimise the risk of the spread of Covid-19 so that Councillors are not put at risk of disqualification for non-attendance in such instances.

Policy Justification and Previous Decisions

Councillor Pacey has been unwell for an extended period of time and with the Covid Pandemic he has chosen for health reasons not to attend any face to face meetings.

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

Regulations 2020 expired on 6th May 2021 and prior to that date Councillor Pacey was attending Council meetings remotely.

The 17th May 2021 Annual meeting was ran on a quorum only basis due to Government social distancing rules in place at that point in time. Councillor Pacey was not selected to attend this meeting and so this date has been set as the effective date for the 6-month point. This therefore means the 6-month period will be reached on 17th November 2021, and this is the last Council meeting before that date.

Section 85(1) of the Local Government Act 1972 states that should a councillor not attend meetings for a period of 6 months he or she would cease to be a councillor unless his or her absence is authorised by the Council prior to the end of that 6-month period.

If Councillor Pacey's absence is not approved he will legally cease to be a Councillor on 17th November 2021.

In order to mitigate the risks associated with the potential spread of Covid-19 some non-decision making meetings are still being held virtually, and on occasion it may be necessary by prior agreement with the relevant Councillors to hold 'quorum only' decision making meetings, in which case some Councillors may not be required to be present at a particular meeting that they would otherwise have attended.

This report therefore also seeks to gain Council approval for these situations so that they will not count towards potential disqualification as a Councillor for non-attendance at meetings with a 6 month period, and it is proposed that this be agreed for the remainder of the 2021/22 Civic Year.

Implementation Timetable including Future Decisions and Scrutiny

Should the Council decide to authorise an individual Councillor's absence, the matter would normally be referred back to the Council after a further 6 months if the Councillor does not attend any meetings in that period.

Report Implications

Financial Implications

There are no financial implications associated with this decision.

Risk Management

No specific risks have been identified in connection with this report.

Background Papers: None

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