

Report of City Solicitor

Report to Council

Date: 30th April 2020

Subject: Attendance at meetings

Are specific electoral wards affected? If yes, name(s) of ward(s):	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Has consultation been carried out?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Will the decision be open for call-in?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, access to information procedure rule number: Appendix number:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Summary

1. Main issues

To seek authorisation of the Council to the absence of all Councillors from meetings of the authority from the date of this meeting for a period of 6 months in order that any Members not having the opportunity to attend a qualifying meeting prior to and during the period of the Pandemic are not at risk of inadvertent disqualification.

2. Best Council Plan Implications (click [here](#) for the latest version of the Best Council Plan)

Fully operational and quorate Committee, Board and Panel meetings are in line with the Council's Policies and City Priorities.

3. Resource Implications

There are no specific implications regarding resources and value for money arising from this report.

Recommendations

Council is asked to approve the absence of all Councillors from meetings of the authority from the date of this meeting for a period of 6 months and that this be reviewed in October 2020.

1. Purpose of this report

To seek authorisation of the Council to the absence for all Councillors from meetings of the authority from the date of this meeting for a period of 6 months.

2. Background information

As a result of the Coronavirus Crisis - Physical meetings of committees, Boards, Panels and Full Council have been cancelled until further notice which may mean in many circumstances members of Council may not be able to attend a qualifying meeting.

Section 85 (1) of the Local Government Act 1972 makes provision in relation to member attendance at meetings. It provides that if a member fails to attend qualifying meetings for a period of 6 consecutive months from the date of their last attendance, they shall cease to be a member of the authority unless, before the expiry of that period the authority has approved such non-attendance.

3. Main issues

As a result of the Coronavirus Crisis - Physical meetings of committees, Boards, Panels and Full Council have been cancelled until further notice which may mean in many circumstances members of Council may not be able to attend a qualifying meeting.

On the 25th March the Coronavirus Act 2020 received Royal Assent Clause 78 introduced regulation-making powers with regard to meetings and proceedings of local authorities. These are broad powers for the Secretary to make regulations regarding:

- a) requirements to hold local authority meetings;
- b) the times at or by which, periods within which, or frequency with which, local authority meetings are to be held;
- c) the places at which local authority meetings are to be held;
- d) the manner in which persons may attend, speak at, vote in, or otherwise participate in, local authority meetings;
- e) public admission and access to local authority meetings;
- f) the places at which, and manner in which, documents relating to local authority meetings are to be open to inspection by, or otherwise available to, members of the public.

The Secretary of State has now issued Regulations and these provide some flexibilities as to how the authority might wish to conduct business. It is clear from the Regulations that attendance at a qualifying meeting via Remote access will count as a qualifying 'attendance for the purposes of 6 month rule.

However given that not all Members will have the opportunity to attend a qualifying meeting during the period of the Pandemic due to technical and other limitations this will put some Members (it is not possible to accurately predict which) at risk of inadvertent disqualification.

In order to avoid this eventuality the City Solicitor advises that in the circumstances it would be reasonable for full Council to grant a general authorisation of absence for all members from the date of this meeting and for a period of up to 6 months, with this permission being reviewed as soon as possible before the expiry of this period should normal meeting arrangements recommence.

4. Corporate considerations

5. Consultation and engagement

A group whip has suggested that the authority for absence should be extended to May 2021, having consulted with the relevant Executive Member it was felt that 6 months was appropriate and consistent with the other occasions that this type of permission had been granted by Council and that this should be reviewed in October 2020.

6. Equality and diversity / cohesion and integration

There are no specific implications regarding equality, diversity, cohesion and integration arising from this report.

7. Council policies and the Best Council Plan

Fully operational and quorate Committee, Board and Panel meetings are in line with the Council's Policies and City Priorities.

Climate Emergency

There are no specific implications in respect of the Climate Emergency.

8. Resources, procurement and value for money

There are no specific implications regarding resources, procurement and value for money arising from this report.

9. Legal implications, access to information, and call-in

This report is not subject to Call In, as it is a Council Function.

10. Risk management

No specific implications in respect of risk management.

11. Recommendations

Council is asked to approve the absence of all Councillors from meetings of the authority from the date of this meeting for a period of 6 months and that this be reviewed in October 2020.

12. Background documents¹

None

¹ The background documents listed in this section are available to download from the council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.