

Name of meeting: Council

Date: 13th October 2021

Title of report: Elected Member Attendance at Meetings

Purpose of report: To seek agreement from Council that the requirement for an Elected Member to attend a relevant number of qualifying Council meetings be relaxed until 6th May 2022.

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	No
Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)?</u>	No
The Decision - Is it eligible for call in by Scrutiny?	No
Date signed off by <u>Strategic Director</u> & name	Jacqui Gedman
Is it also signed off by the Service Director for Finance?	Eamonn Croston
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Julie Muscroft
Cabinet member portfolio	Cllr Shabir Pandor

Electoral wards affected: All

Ward councillors consulted: Group Leaders

Public or private: Public

Has GDPR been considered? Yes

1. Summary

- 1.1 This report seeks agreement by members that for the period until 6th May 2022 the provisions of section 85(1) Local Government Act 1972 shall not apply. This is as a result of the ongoing Coronavirus pandemic and the difficulty that some members may have in attending qualifying meetings during this period
- 1.2 The power for the council to lawfully hold virtual meetings that was given by *The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020* ended on the 7th May 2021 and it has been confirmed by the High Court, following a claim for judicial review, that attending a meeting held under the 1972 Act means 'physical presence at that location'.
- 1.3 This means that many of the council meetings held entirely virtually prior to the 7th May 2021 are no longer possible. Many meetings must now be held physically and that all Members must now be physically present at meetings in order to be classed as having attended them and to be able to vote.

2. Information required to take a decision

- 2.1 Section 85 (1) of the Local Government Act 1972 makes provision in relation to Elected Member attendance at meetings. It provides that if a Member fails to attend a qualifying meeting 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.
- 2.2 At Council Procedure Rule 25 - Failure to Attend Meetings it provides as follows:
 - (1) In accordance with the Local Government Act 1972, if a Councillor attends no meetings of the Authority for six months the Chief Executive will tell the Council (unless the Member has been granted leave of absence by the Council). The Council will consider whether the absence was caused by some reason approved by them. If they are not satisfied about the cause of the failure, the Member will cease to be a Member of the Council.
 - (2) For the purpose of this Rule a meeting of the Authority shall include:
 - the Council, Cabinet or any Committee, Sub-Committee or Panel; or
 - any Joint Committee or Joint Board which has Council function delegated to it;
 - any other body at which the Member represents the Council.
- 2.3 For the purposes of the 1972 Act and the Council Procedure Rules attending a meeting virtually will no longer be considered as a valid attendance for all meetings and a member who is unable to physically attend for reasons related to the pandemic is therefore at risk of potential disqualification if they are not involved in any meetings where attendance virtually is still possible.
- 2.4 Given that the previous regulations now no longer permit any vulnerable or shielding members to attend virtually members may be faced with either

exposing themselves to potential risk or putting themselves in a position where they may be disqualified if they choose to avoid any risks involved in attending meetings physically.

- 2.5** Council is therefore asked to agree that the absence of a Councillor from meetings of the authority which would ordinarily lead to their disqualification as a Councillor shall be authorised to 6th May 2022 in order that any Members not having the opportunity to attend a qualifying meeting during the ongoing period of the Pandemic are not at risk of inadvertent disqualification.

3. Implications for the Council

3.1 Working with People

Not applicable.

3.2 Working with Partners

Not applicable.

3.3 Place Based Working

Not applicable.

3.4 Climate Change and Air Quality

Not applicable.

3.5 Improving outcomes for children

Not applicable.

3.6 Other (eg Legal/Financial or Human Resources)

Not applicable.

4. Consultees and their opinions

Not applicable

5. Next steps and timelines

- 5.1** Members will not face disqualification for failure to attend sufficient council meetings during the current pandemic.

6. Officer recommendations and reasons

- 6.1** Members are asked to agree that the absence of a Councillor from qualifying meetings of the authority which would ordinarily lead to their disqualification as a Councillor shall be authorised to 6th May 2022 in order that any Members not having the opportunity to attend a qualifying meeting during the period of the Pandemic are not at risk of inadvertent disqualification.

7. Cabinet Portfolio Holder's recommendations

Not applicable

8. Contact officer

Julie Muscroft – Service Director – Legal, Governance & Commissioning

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9. Background Papers and History of Decisions

Not applicable.

10. Service Director responsible

Julie Muscroft – Service Director – Legal, Governance & Commissioning