



Extraordinary Council

23 July 2020

Title	6-Month Councillor Attendance Rule
Report of	Monitoring Officer
Wards	All Wards
Status	Public
Urgent	Yes
Key	No
Enclosures	None
Officer Contact Details	Jessica Farmer, Monitoring Officer, jesscia.farmer@harrow.gov.uk Andrew Charlwood, Head of Governance, andrew.charlwood@barnet.gov.uk

Summary

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 to avoid being disqualified as a Councillor. 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. The requirement remains unchanged by the Coronavirus Act 2020 or regulations made under that Act.

Several committee meetings were cancelled following the onset of the Coronavirus pandemic. Since late April some committee meetings have been taking place virtually, but these have been restricted to meetings taking business critical decisions only or for quasi-judicial matters (e.g. planning and licensing). Consequently, many meetings have been cancelled or postponed and this has meant that several Members may not have attended a meeting for close to 6-months through no fault of their own. Following a review of all Members attendances it has become evident that some Members may fall foul of the attendance requirement and that Council need to approve a waiver.

Officers Recommendation

Council agree a waiver for all members of the Authority until May 2021 should they become unable to attend a meeting of the Authority for 6 months as a result of:

- a) Illness;**
- b) Maternity, paternity, adoption or other parental leave;**
- c) Cancellation of meetings which the member would otherwise have been expected to attend; or**
- d) Problems accessing a virtual meeting which the member would otherwise be expected to attend.**

1. WHY THIS REPORT IS NEEDED

- 1.1 Section 85(1) of the Local Government Act 1972 states that “if a member of a Local Authority fails, throughout a period of 6 consecutive months from the date of their last attendance, to attend any meeting of the Authority they will, unless the failure was due to some good reason approved by the Authority before the expiry of that period, cease to be a member of the Authority.”
- 1.2 Attendance can be at any committee or sub-committee, or any joint committee, joint board or other body where the functions of the Authority are discharged or who were appointed to advise the Authority on any matter relating to the discharge of their functions.
- 1.3 Several committee meetings were cancelled following the onset of the pandemic. Since late April committee meetings have been taking place virtually, but these have been restricted to meetings taking business critical decisions or for quasi-judicial matters. Consequently, many meetings have been cancelled or postponed.
- 1.4 Following a review of all Members attendances it has become evident that some may fall foul of the attendance requirement and Council would therefore be required to approve a waiver. The rescheduled Annual Council meeting is not due to take place until 8th September.
- 1.5 Any waiver of the 6-month rule must be agreed by Council before the period expires.
- 1.6 It is proposed that a waiver be granted to all members of the Authority for the duration for which elections and by-elections are suspended under the Coronavirus Act 2020 (until May 2021).
- 1.7 It is proposed that the waiver include absences relating to illness and parental leave as well as practical issues relating to meetings such as cancellation or unexpected difficulty accessing a virtual meeting (such as unexpected network loss).

2. REASONS FOR RECOMMENDATIONS

- 2.1 As set out in 1. above.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 Council could decide not to grant a waiver. However, this is not recommended as some Members be automatically disqualified which could result in by-elections at a cost to the Authority.

4. POST DECISION IMPLEMENTATION

- 4.1 The decision of Council is sufficient to grant a waiver to any affected Members.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 N/A

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

- 5.2.1 There are no resource implications arising from this decision. If not agreed, the proposal may result in by-elections at a cost to the Authority.

5.3 Social Value

- 5.3.1 N/A

5.4 Legal and Constitutional References

- 5.4.1 See section 1.1.

- 5.4.2 As set out in section 1.5, any waiver of the 6-month rule needs to be approved by Council.

- 5.4.3 Section 59 of the Coronavirus Act 2020 and Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020/395 deal with the postponement of elections.

5.5 Risk Management

- 5.5.1 Failure to agree a waiver for all Members of the authority could result in some Members being automatically disqualified because of circumstances beyond their control. This could upset the political balance of the Council, result in some communities lacking representation and may have a negative reputational impact.

5.6 Equalities and Diversity

- 5.6.1 These proposals have no direct implications in respect to equalities and diversity.

5.7 Corporate Parenting

- 5.7.1 N/A

5.8 Consultation and Engagement

5.8.1 The Group Leaders and Group Whips have been consulted on the proposal to grant a waiver and have agreed that an Extraordinary Council meeting be convened for this purpose. The Mayor has agreed to the approach and has called the extraordinary meeting.

5.9 Insight

5.9.1 N/A

6. BACKGROUND PAPERS

6.1 None.