


Agenda Item:	15	
Committee:	Council	
Date:	19 th May 2021	
Report Title:	Resolution to Approve Reasons for Absence Under s.85 of the Local Government Act 1972	

1. PURPOSE/SUMMARY

This report requests that Council pass a resolution under s.85 of the Local Government Act 1972 ("the 1972 Act") in respect of all members and until the day after the date of the 2022 Annual General Meeting unless otherwise agreed.

2. KEY ISSUES

- 2.1. The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 ("Remote Meetings Regulations") came into force on 4th April 2020 and provided Fenland District Council with the flexibility to conduct its business remotely. However, the Remote Meetings Regulations ceased with effect from 7th May 2021 and prior to their expiry, the Divisional Court confirmed that a properly constituted meeting could not be held remotely under the former and subsisting arrangements comprised in the 1972 Act.
- 2.2. The Government's Spring 2021 Covid-19 Response proposes a roadmap out of lockdown which, subject to a number of variables such as the success of the vaccination programme, foresees that all legal limits on social contact will be removed on 21st June 2021. However, prior to the removal of constraints on social contact and following expiry of the Remote Meetings Regulations, Fenland District Council is obliged to hold all Council, Cabinet, Committee and Sub-Committee meetings in person with effect from 8th May 2021.
- 2.3. Section 85(1) of the Local Government Act 1972 specifies that 'if a member of a local authority fails throughout a period of six consecutive months from the date of his last attendance ("the 6 month requirement") to attend any meeting of the authority, he 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'.
- 2.4. This Report recognises that there may be some members who, by reason of their individual personal situation, may be unable to fulfil the 6-month requirement and a Full Council resolution is therefore sought to approve absences arising in those circumstances.

3. REASONS FOR RECOMMENDATION

- 3.1 All meetings up to 7th May 2021 have taken place virtually however, from 8th May 2021 they must instead take place 'in person'.
- 3.2 The last meeting of Full Council took place virtually on 23rd February 2021. The next meeting is scheduled to take place 'in person' on 19th May 2021 and therefore prior to the Government's predicted date of 21st June 2021 when limits on social contact are likely to be removed. Following consultation with Group Leaders, the July 2021 meeting will be cancelled and the next meeting of Full Council is not therefore scheduled to take place until 16th September 2021 when it will again be in person.
- 3.3 Whilst the possibility of contracting or transmitting COVID-19 continues so too will the need for self-isolation and, dependant on the individual circumstances of each member, may otherwise create a degree of risk which can only be managed by avoiding social contact.
- 3.4 The timing of the last and future meetings of Full Council therefore create a possibility that persons who do not occupy positions on Cabinet and/or other committees and who are unable to attend the first in person meeting on 19th May 2021 may fall foul of the requirements of s.85 of the Local Government Act 1972. Further, whilst it is acknowledged that this only accounts for the half of the municipal year, elements of uncertainty still exist which can be mitigated by putting in place contingency arrangements up to and including the date of the 2022 AGM. The arrangements will however be kept under review and will be discontinued should the approved reasons become obsolete.

4. RECOMMENDATION

- 5.1 The Council is requested to approve, in relation to each and every member, as a reason for failure to attend any meeting of the Council, Cabinet, Committee or Sub-Committee ("a Relevant Meeting") between 8th May 2021 and the day after its 2022 Annual General Meeting, the circumstances set out below, as a reason for non-attendance in accordance with s.85 of the Local Government Act 1972.
- 5.2 The circumstances referred to in paragraph 3.1 above and which comprise the approved reasons for non-attendance at a Relevant Meeting are because the member:
- Has contracted or been infected by COVID-19;
 - Has tested positive for COVID-19;
 - Is suspected of having or suspects that he/she has contracted or been infected by COVID-19;
 - Has concerns that they may contract or become infected with COVID-19;
 - Is in quarantine or self-isolating in relation to COVID-19;
 - Is unable to attend the Relevant Meeting because the meeting is cancelled or postponed for a reason relating to Covid-19.

Wards Affected	All
Forward Pan Reference	N/A
Portfolio Holder(s)	N/A
Report Originator(s)	<p>Carol Pilson - Corporate Director and Monitoring Officer cpilson@fenland.gov.uk 01354 622360</p> <p>Anna Goodall - Head of Transformation, Customer Services & Democracy agoodall@fenland.gov.uk 01354 622357</p> <p>Amy Brown – Head of Legal and Governance amybrown@fenland.gov.uk</p>
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Background papers	<p>The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020</p>

