

Report to:	Council	Date of Meeting:	17 September 2020
Subject:	Local Government Act 1972 – Section 85 - Attendance at Meetings – Covid-19 Arrangements		
Report of:	Chief Legal and Democratic Officer	Wards Affected:	All
Portfolio:	Cabinet Member - Regulatory, Compliance and Corporate Services		
Is this a Key Decision:	No	Included in Forward Plan:	No
Exempt / Confidential Report:	No		

Summary:

Due to the continuation of the Covid-19 pandemic this report requests authority to approve and authorise the absence of any Councillors from attendance at Council and Committee Meetings pursuant to Section 85 of the Local Government Act 1972.

Recommendation:

That the absence of any Elected Members from all Council and Committee Meetings be authorised and approved for the period until 4 March 2021, pursuant to Section 85 of the Local Government Act 1972.

Reasons for the Recommendation(s):

To comply with the provisions of Section 85 of the Local Government Act 1972.

Alternative Options Considered and Rejected: (including any Risk Implications)

None

What will it cost and how will it be financed?

(A) **Revenue Costs** – Not applicable

(B) **Capital Costs** – Not applicable

Implications of the Proposals:

Resource Implications (Financial, IT, Staffing and Assets): Not applicable
Legal Implications: The effect of the legislation is contained within the contents of the report.
Equality Implications: There are no equality implications.

Contribution to the Council's Core Purpose:

Protect the most vulnerable: Not applicable
Facilitate confident and resilient communities: Not applicable
Commission, broker and provide core services: Not applicable
Place – leadership and influencer: The approval of the recommendation contained in the report will ensure that Elected Members will not be disqualified from office through no fault of their own and allow them to continue to represent their constituents during the Covid-19 pandemic.
Drivers of change and reform: Not applicable
Facilitate sustainable economic prosperity: Not applicable
Greater income for social investment: Not applicable
Cleaner Greener: Not applicable

What consultations have taken place on the proposals and when?

(A) Internal Consultations

The Executive Director of Corporate Resources and Customer Services (FD6095/20) and the Chief Legal and Democratic Officer (LD4278/20) have been consulted and any comments have been incorporated into the report.

(B) External Consultations Not applicable

Implementation Date for the Decision

Immediately following the Council meeting.

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Appendices:

There are no appendices to this report

Background Papers:

There are no background papers available for inspection.

1. Introduction/Background

- 1.1 Section 85 of the Local Government Act 1972 provides that if an Elected Member fails to attend any Council or Committee Meeting for a period of six months, he or she ceases to be an Elected Member, unless the absence was approved by the Council before the expiry of the six-month period.
- 1.2 In Sefton, such periods of absence are generally approved due to the ill-health of an Elected Member.

2. Covid-19 Pandemic

- 2.1 The Government has issued directives in response to the Covid-19 pandemic. One such directive relates to social distancing and this makes it extremely difficult to hold Council and Committee meetings in the normal manner Members are used to.
- 2.2 Government has recognised this and as part of the Coronavirus Act 2020 Section 78 confers powers for the Secretary of State for Housing, Communities and Local Government (Secretary of State) to make appropriate Regulations.
- 2.3 Accordingly, the Secretary of State has made the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 (the Regulations) and these came into force on 4 April 2020.
- 2.4 The Regulations have amended the requirements imposed on local authorities regarding how they hold meetings; and Councils can now hold remote meetings i.e. the statutory obligation for all Members to be present in the same room at the same time in order to make decisions has been removed and technology can be utilised to hold remote meetings.

3. Impact on Sefton's Meetings

- 3.1 As Members will be aware, an Extraordinary meeting of Council was held on 7 May 2020 which authorised the absence of any Elected Members from all Council and Committee Meetings for the period until 7 November 2020, pursuant to Section 85 of the Local Government Act 1972. This enabled officers to investigate methods of holding remote meetings as referred to in paragraph 2.4 above. This also served the purpose of maintaining the Government directive on social distancing.
- 3.2 Following investigations it was agreed to hold remote meetings using Microsoft Teams Live Events software.
- 3.3 Since 7 May 2020 meetings of Cabinet, Planning Committee, Licensing and Regulatory (Urgent Referrals) Committee, Licensing Sub-Committee and the Health and Wellbeing Board have been held remotely; and approximately 25 elected Members have attended the above remote meetings.
- 3.4 It is anticipated that remote meetings will continue to be held for some time

and that a full schedule of remote meetings will be held during the September/October cycle.

- 3.5 The majority of Members have yet to attend a remote meeting but hopefully they will be able to do so during September/October 2020 cycle. However, if for some reason a member is unable to attend a remote meeting during this cycle, they may not be able to attend a meeting before 7 November (the end date of the previously approved period of absence) and therefore be disqualified from office in accordance with Section 85 of the Local Government Act 1972.
- 3.6 Such disqualification from office would be unfair on the basis that the majority of elected Members had the chance to attend meetings in only one cycle; rather than over the usual 6-month period.
- 3.7 Accordingly, the purpose of this report is to approve the absence of any Elected Members from all Council and Committee Meetings due to the Covid-19 pandemic for the period until 4 March 2021.
- 3.8 It is anticipated that most Members will be able to attend remote meetings during September/October but the intention of the report is to provide a “catch-all” situation and cover every eventuality during the Covid-19 pandemic.