

## Agenda Item: 13

<b>Report Title:</b> Urgent Business: Approval of reason for non-attendance at this meeting	
<b>Report to:</b> Council	
<b>Date:</b> 13 December 2021	<b>For:</b> Decision
<b>Key Decision:</b> No	<b>Decision Planner Ref No:</b> N/A
<b>Report Presented by:</b> Councillor Graham Butland, Leader of the Council	
<b>Enquiries to:</b> Kim Cole, Head of Governance and Monitoring Officer	

### 1. Purpose of the Report

- 1.1 To approve a Members absence from the meeting of full Council on 13 December 2021, which arose out of a need to follow the new public health advice.

### 2. Recommendations

- 2.1 For the purposes of section 85(1) of the Local Government Act 1972 the Council approves the following as a reason for a Member's non-attendance of the Council meeting on 13 December 2021:
- 2.1.1 The Member took part in the meeting via zoom as a result of the public health request for a reduced attendance in the Council chamber for that meeting.
- 2.1.2 So that those attending would be able to engage in the debate but not be able to vote. Importantly those attending virtually would not be affected by the six month rule.

### 3. Summary of Issues

- 3.1 As a result of the discovery of the omicron variant of the coronavirus causing covid-19, the Group Leaders have agreed that they will arrange for there to be a reduction in the number of their members in attendance at the meeting of full Council on 13 December 2021. This enables the Council to achieve 2m social distancing and comply with advice from the Director of Public Health.
- 3.2 Members who are not attending as a result of this agreement will be present via zoom. Unfortunately a recent court case involving Hertfordshire County Council made it clear that attending a meeting via zoom does not count as

attending the meeting for the purpose of section 85 of the Local Government Act 1972 (often known as the six month rule).

- 3.3 The Council do not believe that attendance at this meeting via zoom currently impacts on any member of Braintree District Council since anyone potentially at risk under the 'six month rule' has been given individual advice and will be physically present.
- 3.4 The six month 'clock' is re-started every time a Member attends any meeting of the Council or of any of its committees or of an outside body where the Member is the officially appointed Council representative. Any issue which did arise could be dealt with at the February 2022 meeting.
- 3.5 That said, the Council cannot be absolutely certain that this will not cause an issue to anyone, and it would be unfair if a Member attending this meeting virtually via zoom lost their seat under the six-month rule because they had complied with the Director of Public Health advice and the request of the Group Leaders.
- 3.6 It is therefore proposed to in effect disapply the six month rule to prevent the risk of any Member losing their seat as a result of attending this meeting via zoom. Members who attend the 13 December meeting via zoom will be included in the minutes as present remotely.

#### **4. Financial Implications**

- 4.1 There are no financial implications arising out of the recommendations set out in this report.

#### **5. Legal Implications**

- 5.1 The recommendation set out in this report gives effect to the statutory provisions under the Local Government Act 1972.

#### **6. Other Implications**

There are no other implications arising from the recommendations set out in this report.

#### **7. Equality and Diversity Implications**

- 7.1 There are no equality or diversity issues arising from this decision.

#### **8. List of Appendices**

- 8.1 None

#### **9. Background Papers**

- 9.1 None