

SLOUGH BOROUGH COUNCIL

REPORT TO: Annual Council **DATE:** 21st May 2020

CONTACT OFFICER: Sushil Thobhani – Service Lead Governance
(For all enquiries) (07542 229125)

WARD(S): All

PART I **FOR INFORMATION**

SIX MONTHS RULE UNDER SECTION 85 OF THE LOCAL GOVERNMENT ACT 1972.

1 Purpose of Report

The purpose of this Report is to remind Members of the provisions relating to Councillors ceasing to be Members of the Council for failure to attend any meeting of the Council for a consecutive period of six months, contained in section 85 of the Local Government Act 1972, and of the possible implications for Members of Regulation 5 of the Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020, in the light of the recent cancellations of meetings of the Council.

2 Recommendation(s)/Proposed Action

That the Council resolves to note the contents of this report.

3. The Slough Joint Wellbeing Strategy, the JSNA and the Five Year Plan

This report has no direct implications for the [Slough Joint Wellbeing Strategy](#) (SJWS) and the Five Year Plan

3a. Slough Joint Wellbeing Strategy Priorities –

This Report has no direct implications for the priorities of the SJWS and the JSNA

3b Five Year Plan Outcomes

This Report has no direct implications for the objectives of the Five Year Plan:

- *Our children and young people will have the best start in life and opportunities to give them positive lives.*
- *Our people will become healthier and will manage their own health, care and support needs.*
- *Slough will be an attractive place where people choose to live, work and visit.*
- *Our residents will have access to good quality homes.*
- *Slough will attract, retain and grow businesses and investment to provide jobs and opportunities for our residents*

4 Other Implications

- (a) Financial

There are no financial implications which arise as a consequence of this Report.

Risk Management

Recommendation from section 2 above	Risks/Threats/Opportunities	Current Controls	Using the Risk Management Matrix Score the risk	Future Controls
That the Council resolve to note the contents of this Report.	Automatic disqualification of Members and possible inability for re-election until 6 May 2021.	The bringing of this Report to full Council and alerts to Members	Likelihood – Negligible – 1 Impact Legal/Regulatory – Negligible Score: 1	Continuing alerts to Members potentially at risk of disqualification.

(b) Human Rights Act and Other Legal Implications

None.

(c) Financial Implications

None

(d) Equalities Impact Assessment

No need identified for an Equalities Impact Assessment.

(e) Workforce

No workforce implications arise from this Report.

(f) Property

No property implications arise from this Report.

(g) Carbon Emissions and Energy Costs

No implications for Carbon Emissions and Energy costs arise from this Report.

5 Supporting Information

- 5.1 Section 85 of the Local Government Act 1972 provides that if a member of a local authority fails throughout a period of six consecutive months from the date of his last attendance 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.

- 5.2 Members will be aware that due to the imposition of the “lockdown” to deal with the spread of the Coronavirus, several meetings of the Council needed to be cancelled and, until recently, with the enactment of 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 Council were not able hold meetings which could be attended by Members by remote attendance.
- 5.3 In the meanwhile, by virtue of Regulation 5 of The Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020 the holding of bye elections has been postponed to after 5 May 2021.
- 5.4 Due to the cancellation of Council meetings during the period of the “lockdown” it is possible that some Members may be close to approaching a period of six consecutive months since they last attended any meeting of the Council and may therefore be in danger of inadvertently ceasing to be Members of the Council and being unable to be re-elected in the meanwhile until after 5 May 2021 if statutory regulations are not made in the meanwhile allowing for bye elections to be held before then.
- 5.5 Members likely to be effected by the above should seek to ensure that they attend a meeting of the Council before the expiry of the six month period which applies to them.
- 5.6 Members may now attend meetings of the Council by remote attendance by electronic or other methods of telecommunication and such attendance counts for the purposes of Section 85 of the Local Government Act 1972.
- 5.7. Members seeking to attend by remote attendance would need to ensure that they achieve a connection to a meeting which they are seeking to attend by remote attendance to enable that attendance to be recorded.

6 **Comments of Other Committees**

None.

7 **Conclusion**

Members should be alert to the possibility of their inadvertently ceasing to be Members of the Council under Section 85 of the Local Government Act 1985, due to not attending any meetings of the Council for a consecutive period of six months, and of the possibility that there may be no opportunity of re-election by virtue the postponement of elections to after 5 May 2021. Members should also be aware that attendance at meetings of the Council by remote access is equivalent to attending a meeting for these purposes but only provided Members are connected to the meeting to enable their attendance to be recorded.

8 **Appendices Attached**

None

Background Papers

Local Government Act 1972

The Local Government and Police and Crime Commissioner (Coronavirus)
(Postponement of Elections and Referendums) (England and Wales) Regulations
2020

The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of
Local Authority and Police and Crime Panel Meetings) (England and Wales)
Regulations 2020