

Item 11 - Report

Failure to Convene Meetings; Absent Councillors, and the ‘Six Month Rule’

This is the current directive from NALC on the Town Council holding Meetings during this period of lockdown. Please note that the town council continues to hold meetings via Zoom

The view of the NALC Legal Team is that an overt refusal on the part of a parish council as a body to engage with the concept of virtual meetings, and thereby effectively to suspend meetings until such time as physical gatherings can again take place, will not provide grounds to absolve individual councillors from their responsibility to attend meetings.

The advice given is that if a period of six months elapses without attendance of a meeting, then automatic disqualification of individual councillors will apply. Thus, in theory, if a council refuses to meet for a period of six months it might, by default, be dissolved at the conclusion of that period. (It should be noted that paragraph 8 of Schedule of the Local Government Act 1972, which requires councils to hold at least three meetings per annum, has not been disapplied under the Regulations. [The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England And Wales) Regulations 2020])

This is the current directive from NALC on Councillors attending the virtual meetings. Please note that to attend Zoom meetings you can either link via your computers or phone in for audio participation only.

It must be acknowledged that the government has made provision for councils to arrange ‘virtual’ or remote meetings, using what is generally deemed to be widely available technology, and the expectation is both that councils will make such arrangements and that individual councillors will obey the lawful summons to attend such meetings, unless specific circumstances prevent them from doing so and that they present an apology that the council, when it does meet, finds acceptable. Thus similarly, should the council arrange virtual meetings and individuals fail to attend a meeting for a period of six months without having presented an acceptable apology then automatic disqualification from office would apply.

It is recognised that some councillors will not necessarily have the facility to engage fully with ‘Zoom’ or similar means by which a council may choose to arrange remote meetings. Nonetheless, the failure to ‘attend’ simply because they don’t wish to phone in (something which Zoom enables), despite having that relatively limited facility available to them, should not, in the opinion of the NALC Legal Team, be deemed to be an acceptable reason for absence.

For information:

Last Full Council meeting was held on 4th March 2020
Last Rose Committee Meeting was held on 11th March 2020
Last Community Engagement Committee was held on 11th March 2020
Last F and M Committee was held 22nd April 2020
Last planning Committee was held 20th May 2020

Next Full Council meetings scheduled:

3rd June 2020
1st July 2020
2nd September 2020

	Last Meeting Attended	Date of Last meeting	Expiration of 6 months
Cllr Ansell	Full Council	4 th March 2020	4 th Sept 2020
Cllr Cooney	F and M Cmte	22 nd April 2020	22 nd October 2020
Cllr Dipple	Planning Cmte	20 th May 2020	20 th Nov 2020
Cllr Elkin	Planning Cmte	20 th May 2020	20 th Nov 2020
Cllr Gaye	Planning Cmte	20 th May 2020	20 th Nov 2020
Cllr Grant	Full Council	4 th March 2020	4 th Sept 2020
Cllr Green	Planning Cmte	20 th May 2020	20 th Nov 2020
Cllr Hodgson	F and M Cmte	22 nd April 2020	22 nd October 2020

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Cllr Hughes	Full Council	4 th March 2020	4 th Sept 2020
Cllr Lyons	Planning Cmte	20 th May 2020	20 th Nov 2020
Cllr Mahon	Planning Cmte	20 th May 2020	20 th Nov 2020
Cllr Martin	Full Council	5 th February 2020	5 th August 2020
Cllr Panter-Hood	Full Council	4 th March 2020	4 th Sept 2020
Cllr Stanley	F and M Cmte	22 nd April 2020	22 nd October 2020
Cllr Szklarczyk	Planning Cmte	20 th May 2020	20 th Nov 2020
Cllr Tait-Green	Planning Cmte	20 th May 2020	20 th Nov 2020
Cllr Turner	Full Council	4 th March 2020	4 th Sept 2020