

## THE VALE OF GLAMORGAN COUNCIL

### REQUEST FOR THE USE OF EMERGENCY POWERS – CORONAVIRUS PANDEMIC

**SUBJECT:** Approval for reason for non-attendance at meetings by Members pursuant to Section 85 of the Local Government Act 1972

1. **Originating / Department / Service** – Resources/Legal Services/Monitoring Officer

2. **Reason for Seeking Emergency Powers** –

PLEASE SPECIFY BELOW ~~and attach appropriate Committee report/minute/ memo~~ ~~\*(delete as appropriate)~~

Section 85 of the Local Government Act 1972 (“the Act”) deals with the vacation of office by failure to attend meetings and in summary provides that subject to a number of exceptions, if a Member of a Local Authority fails throughout a period of 6 consecutive months from the date of his/her last attendance to attend any meeting of the Authority, he/she 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.

An additional exception to Section 85 of the Act was introduced in Wales pursuant to the Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020 (“the Regulations”), so that the period between 22 April 2020 and a meeting held which calls Members to attend is not taken into account when calculating the 6 month period for any Member of the Council.

The interpretation which is widely held regarding when the 6 month rule will recommence, is that it applies to meetings held in person rather than remote/virtual/hybrid meetings; however, attendance is not defined in the Regulations or the Act. In line with Section 85(1) of the Act, the Managing Director under Emergency Powers is requested to approve that the period from 22 April 2020 until the first in person meeting is held (and for the avoidance of doubt such meeting is not to include an element of remote/virtual/hybrid attendance by Members) is to be treated as a reason approved by the Council for non-attendance by Members at meetings and therefore is disregarded when calculating the 6 month timescale given the purpose of the Regulations in the context of the Coronavirus pandemic.

3. **Policy Framework and Budget** –

PLEASE INDICATE as appropriate that the matter that you are seeking the use of Emergency Powers for is a Cabinet or Council function.

Cabinet

Council

4. **Relevant Scrutiny Committee** –

Corporate Performance and Resources

**IMPORTANT**

The following sections **must** be completed **prior** to the request being submitted to the Democratic and Scrutiny Services Section for processing.

I confirm (delete as appropriate)

(a) That there are no financial implications and the relevant Cabinet Member, Leader and / or the Deputy Leader has been consulted and is in agreement with the use of Emergency Powers; **or**

~~(b) That, in view of the financial commitments, the Head of Financial Services, the appropriate Chief Officer, the relevant Cabinet Member, Leader and / or Deputy Leader have been consulted and are in agreement with the use of the Emergency Powers and that~~

~~(c) For matters relating to the Planning Committee the Chairman of the Planning Committee has also been consulted and is in agreement with the use of Emergency Powers;~~

~~(d) For matters relating to the Licensing Committee the Chairman of the Licensing Committee has also been consulted and is in agreement with the use of Emergency Powers.~~

~~(e) For matters relating to the Welsh Church Act Estate Committee the Chairman of the Welsh Church Act Estate Committee has also been consulted and is in agreement with the use of Emergency Powers.~~

~~(f) For matters relating to policy the relevant Scrutiny Committee Chairman has been consulted and is in agreement with the use of Emergency Powers.~~

**Signed:** .D Marles  
**(Instructing Chief Officer)**

**Date:** 18 June 2020

**Please print name: Debbie Marles**

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**I hereby approve under my Emergency Powers the attached recommendation(s) on behalf of the Cabinet/ Council (please delete as appropriate).**

**Signed:** .D.R. Thomas..... **Date:** .4<sup>th</sup> July 2020.....  
**Managing Director**

**NB Should the relevant portfolio Cabinet Member be unable to be consulted only the Leader and / or Deputy Leader be consulted in their absence.**

**N.B. Cabinet: 23<sup>rd</sup> March, 2020 Minute No. 295**