Fife Council

**All Committee meetings were cancelled with effect from 23rd March, 2020 due to the COVID-19 emergency.**

**The recommendations in this report were approved by the Chief Executive of the Council, acting under delegated authority in terms of paragraph 2.1.1. of the Council’s List of Officer Powers.**

Fife Council

Approved by the Chief Executive of the Council –

26th June, 2020

|  |
| --- |
| Leave of Absence for Councillors |
| Report by: Executive Director, Finance & Corporate Services |
| Wards Affected: All |

Purpose

The purpose of the report is to confirm that the period from 24th March 2020 to 15th August 2020 shall be disregarded in respect of the requirement that Members attend a Council or Committee meeting within a six-month period.

Recommendation(s)

It is recommended that the Council agree that the period from 24th March 2020 to 15th August 2020 be disregarded for the purposes of calculating a period of absence, in terms of s35(1) of the Local Government (Scotland) Act 1973

Resource Implications

There are no resource implications arising from this report.

Legal & Risk Implications

Legislation provides that any member that fails to attend any meeting of the local authority for a period of 6 consecutive months, shall cease to be a member of that authority – unless the failure was due to some reason approved by the authority. If the Council does not take steps to formalise the position, there is a risk that a number of members might breach the 6 month period for non-attendance.

Impact Assessment

An EqIA is not required as this report does not propose a change or revision to existing policies and practices.

Consultation

None.

## 1.0 Background

1.1 Section 35(1) of the Local Government (Scotland) Act 1973 provides that, any member that fails to attend any meeting of the local authority for a period of 6 consecutive months, shall cease to be a member of that authority – unless the failure was due to some reason approved by the authority.

1.2 As a consequence of the Coronavirus restrictions, all Council and Committee meetings were cancelled with effect from 24th March 2020. A limited number of Committee meetings subsequently restarted, as remote meetings, from 21st May 2020. It is intended to restart all Council and Committee meetings from mid August 2020, after the normal summer recess period.

1.3 The cancellation of normal committee business means it has not been possible for many members to attend any Committee meetings since January or February 2020. It may not be possible for these members, or others, to attend a further meeting until August or September 2020. In these circumstances, some members may be in a position where, through no fault of their own, they have not attended a meeting for a period in excess of six consecutive months and thus would cease to be a member of the Council, unless the Council approved their extended absence.

1.4 In order to regularise the position, and taking account of the fact that the cancellation of all committee meetings was required for public health reasons, the Council agrees that non-attendance of members during this period (24th March 2020 to 15th August 2020) shall be considered ‘approved’ for the purposes of S35(1) of the Local Government (Scotland) Act 1973.

1.5 Given the terms of paragraph 1.4 above, and that, in terms of S35(1), any period of absence requires to be six consecutive months, any period of absence prior to 24th March 2020 shall now be disregarded for the purposes of that section.

## 2.0 Conclusions

2.1 The Council approves all absences between 24th March and 15th August 2020 for the purposes of S35(1) of the Local Government (Scotland) Act 1973 and any subsequent absences shall be calculated taking account of this approval.

**Background Papers**

The following papers were relied on in the preparation of this report in terms of the Local Government (Scotland) Act, 1973:

None

#### Report Author

Morag Ferguson

Head of Legal & Democratic Services

Telephone: 03451 555555 Ext. No. 442180 Email- morag.ferguson@fife.gov.uk