

10. REQUEST FOR APPROVAL OF REASONS FOR MEMBER NON-ATTENDANCE AT MEETINGS (A.111/RC)

Purpose of the report

1. To consider a request to approve medical reasons for being unable to attend face-to-face meetings of the Authority since 30th April 2021 of the following Members:-

Ms Harling
Cllr Huddleston

This will prevent the operation of the provisions of section 85 “Vacation of Office by Failure to Attend Meetings” of the Local Government Act 1972 under which would otherwise have the effect of their ceasing to be Members of the Authority on 30th October 2021.

Recommendation

2. **To approve, in accordance with section 85(1) of the Local Government Act 1972, medical reasons for being unable to attend meetings of the Authority for Ms Harling and Cllr Huddleston until the first meeting of the Authority in 2022, currently to be held on 18 February 2022 .**

How does this contribute to our policies and legal obligations?

3. Our committee and decision making processes contribute to KPI 26: To have best practice governance, risk and performance management arrangements in place. To meet this objective the Authority must comply with relevant legislation on appointments to the National Park Authority and its Committees.

This report has been prepared in accordance with section 85 of the Local Government Act 1972 which, under Section 8 of Schedule 7 in the Environment Act 1995, is applicable to a National Park Authority.

Background

4. Section 85 of the Local Government Act 1972 states 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. Following a time limited change in Government legislation in April 2020 the Authority amended its Standing Orders and took advantage of the ability to hold virtual meetings of its decision making Committees and Authority meetings which occurred up until 6 May 2021 when the Regulations ended. Since the Government legislation requiring the return to the legal requirement of in person, face-to-face meetings, Ms Harling, a Member of the Authority appointed by the Secretary of State, has been unable to attend such a meeting of the Authority since 30 April 2021 and Cllr Huddleston, appointed by High Peak Borough Council has been unable to attend a meeting of the Authority since 30 April 2021 in both cases due to medical reasons. The provisions in the Local Government Act mean that unless the Authority approves a reason for their non-attendance at meetings, they will cease to be Members on 30th October 2021

Although unable to attend indoor face-to-face indoor meetings physically and therefore unable to speak or vote under current legislation, Ms. Harling has attended Authority and Planning Committee remotely via audio link and continues to contribute regularly to those meetings/roles where she can attend virtually e.g. Members Task & Finish Group for the National Park Management Plan, Member Champion role for Thriving & Sustainable Communities, Budget Monitoring Meeting, and external appointments.

The Government has recently held a call for evidence regarding a potential change to the law to allow virtual meetings however the outcome is pending and any changes would require legislation which will take time.

The Authority is working with the Members involved to find ways they can contribute until their circumstances change or legislation is passed to allow virtual attendance at statutory meetings, but the legislation as it stands at the moment as outlined above, is in effect and in force.

Are there any corporate implications members should be concerned about?

6. **Financial:**

Although a Member will continue to receive their basic allowance while absent due to medical reasons, if agreed these proposals would not incur any further costs.

7. **Risk Management:** Although there would be risks around a long term reduction in the number of Members available to carry out their duties, and there may be risks for the appointing body by not having their representative physically present at meetings, there are no significant risks arising from approving the recommendation in these cases.

8. **Sustainability:** There are no issues to highlight.

9. **Background papers:** None

10. **Climate Change**

There are no issues to raise.

11. **Appendices:** None

Report Author, Job Title and Publication Date

Ruth Crowder Democratic Services Manager , 25 August 2021