

Reports

COUNCIL

10 JUNE 2020

APPROVAL OF REASON FOR ABSENCE FROM MEETINGS

REPORT OF THE ASSISTANT DIRECTOR OF LAW AND GOVERNANCE

1.0 INTRODUCTION

- 1.1** The purpose of this report is to seek the approval of Council, under Section 85 Local Government Act 1972 (the Act), to the absence of members from meetings.

2.0 BACKGROUND

- 2.1** Section 85(1) of the Act 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”.
- 2.2** Due to illness, Councillor Scaplehorn’s last attendance at a formal committee meeting was the Washington Area Committee on 19 December 2019 and Councillor D MacKnight’s last attendance was the Scrutiny Co-ordinating Committee on 16 January 2020. In view of the provisions of the Act regarding absence from meetings, should Councillor Scaplehorn or Councillor MacKnight be unable to attend this June Council meeting, it is considered appropriate to request Council to approve their absence by reason of ill health, such approval to apply until end November 2020. Council may grant a further approval for absence prior to end November.
- 2.3** In addition, the last formal Council meeting to be held in person was Council on 25 March 2020 which, by agreement of group leaders, was attended by a reduced number of members, in order to enable physical distancing in the Council Chamber. Since then, the only formal meetings to have been held which count for the purpose of attendance have been Cabinet, Licensing Sub Committee and Port Board, and therefore several Members will reach the 6 months’ period of absence during September, if they do not participate in a qualifying meeting beforehand.

2.4 Because of the pandemic and the move to remote meetings, it is possible that fewer formal meetings than is normally the case will be held in the next few months, or that meetings may be cancelled at short notice, and therefore there may be less opportunity for a member to attend a meeting, before their absence is impacted by application of the 6 months' rule. In the current situation, there is also increased risk that a member may be unwell and unable to attend a meeting or that, even if they attempt to attend a meeting remotely, they have difficulties joining it, for example, as a result of broadband issues.

2.5 While it is envisaged that a Council meeting will be held in September, due to the uncertainties associated with the current pandemic situation, and the requirement for any approval for absence to be given by full Council before the 6-months' period expires, it is proposed that in addition to the approvals given to Councillors Scaplehorn and MacKnight, an approval for absence, to expire on 18 November 2020, (being the day after the date scheduled for the November Council meeting) be given for any other member who does not attend a meeting in a period of six consecutive months, in circumstances where either:

2.5.1 no meeting is held between the Council meetings of 10 June and 17 November 2020, of Council, a committee, sub-committee or other body to which the member has been appointed by the Council or,

2.5.2 where one or more meetings referred to in paragraph 2.5.1 above are convened, the member does not attend any of the meetings as a result of illness, or due to being unable to connect to and participate in the meeting remotely.

It is proposed that any member who is unable to attend a meeting by reason of illness or inability to connect to a remote meeting, notifies the monitoring officer of the reason for their non-attendance. It is suggested that this approval be given until 18 November 2020, so that Council may, if necessary, review the position at its meeting on 17 November.

3.0 RECOMMENDATION

3.1 Council is recommended to

3.1.1 note Councillors Scaplehorn's and D MacKnight's absence from meetings due to ill health and, in accordance with section 85 Local Government Act 1972 (the Act), approve the reason for their absence

from meetings, such approval to apply up to and including 30 November 2020 and

3.1.2 also in accordance with section 85 of the Act, approve the absence of any other member who does not attend a meeting during a period of six consecutive months in circumstances where either:

3.1.2.1 no meeting is held between the Council meetings of 10 June and 17 November 2020 of either Council, or a committee, sub-committee or other body to which they have been appointed by the Council or,

3.1.2.2 where any meeting or meetings referred to in paragraph 3.1.2.1 is, or are, convened, the member does not attend the meeting or meetings as a result of illness, or being unable to connect to, and participate remotely in, the meeting or meetings,

such approval, in respect of absences referred to in this paragraph 3.1.2, to apply up to and including 18 November 2020, and

3.1.3 agree that any member who wishes to rely on the approval for absence referred to in 3.1.2 above, notifies the monitoring officer of the reason for their non-attendance at a meeting that they would otherwise have been able to attend.

BACKGROUND PAPERS

There are no background papers to this report

