

Reference Number: 2020/CEO Emergency Powers/23

NORTH YORKSHIRE COUNTY COUNCIL

DECISION RECORD

Re: Members' attendance at meetings during Covid19 pandemic

This record is produced in accordance with the Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations 2012

This form should be used to record:

- **EXECUTIVE decisions (key or otherwise) taken by an individual Executive MEMBER; and**
- **EXECUTIVE decisions (key or otherwise) taken by an OFFICER (either alone or in consultation with an Executive Member)**
- **A non-Executive decision taken by an OFFICER which falls into one of the following descriptions:-**
 - (i) under a specific express authorisation; or**
 - (ii) under a general authorisation to officers to take such decisions and, the effect of the decision is to**
 - **grant a permission or licence;**
 - **affect the rights of an individual; or**
 - **award a contract or incur expenditure which, in either case, materially affects that relevant local government body's financial position.**

(One form per decision)

The following decision has been taken: -

That:

- a) matters pertaining to the Covid19 pandemic be an approved reason for any Member's failure to attend meetings of the Council for a period of six consecutive months from the date of their last attendance and for it not counting towards the operation of the automatic vacation of office provisions set out in section 85 of the Local Government Act 1972; and
 - b) that this approved reason be reviewed by the end of October 2020; and
- therefore Members will not automatically lose their position by not attending meetings during this period.

By whom: Richard Flinton, Chief Executive Officer, under his emergency delegated powers, in consultation with the Leader and Group Leaders.

On: 5 June 2020

Was this an executive decision?

YES/NO

If an executive decision, was it also a key decision?

YES/NO

Please note that this decision was treated under the Special Urgency procedure and call-in has been exempted from this decision by the Chairman of the County Council

(under blanket exemption dated 26 April 2020) under Overview and Scrutiny Procedure Rule 16(h).

Reasons for decision: -

Section 85 of the Local Government Act 1972 provides that if a member of a local authority fails throughout a period of six consecutive months from the date of his/her last attendance to attend any meeting of the authority, s/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.

Under his delegated decision making powers in the Officers' Delegation Scheme in the Council's Constitution, the Chief Executive Officer has power, in cases of emergency, to take any decision which could be taken by the Council, the Executive or a committee.

On 7 April 2020, the Chief Executive Officer agreed (Decision record 2020/CEO Emergency Powers/14), amongst other things, that subject to the successful adoption of a technological solution that enables the requirements laid out in the relevant regulations to be complied with, virtual meetings be introduced for the following committees (where the business either relates to the work being done by the Council in response to the Coronavirus pandemic or where a decision cannot be deferred for a compelling reason): Executive; Planning and Regulatory functions; Audit; and a sub-committee of the Pension Fund Committee. Only the Executive to meet as scheduled. The Planning and Regulatory Functions committee to meet as required to deal with urgent planning applications, Audit Committee would similarly only meet if required to make an urgent decision and Pension Fund Committee would form a sub-group to make decisions relating to changes in investment performance. All other formal, public committee meetings would be postponed until September 2020.

Whilst certain meetings are going to be held remotely, not all Members will be able to attend a formal virtual meeting. Most Members have been attending informal meetings but this is not considered under Section 85 of the Local Government Act 1972. It is therefore deemed appropriate, given the unprecedented Covid19 pandemic circumstances and Government guidelines on social distancing, for Members to be excused from attending meetings for six consecutive months without them automatically being disqualified from being a councillor under the legislation, for reasons arising out of the pandemic. This would recognise and comply with Government guidance on social distancing, ensure democratic openness and accountability in decision making whilst also taking account of the other important activities undertaken by Members in helping their communities during the Covid-19 pandemic.

Details of any alternative options considered and rejected: -

Conflicts of Interest

Please record below details of any conflict of interest declared by a Member or Officer regarding the decision and any dispensation granted by the Standards Committee or Monitoring Officer in respect of that conflict.

Conflict	Dispensation?

Background Papers

Please attach to this decision notice, for publication, the background papers that disclose any facts or matters on which this decision, or an important part of the decision, was based and which were relied on to a material extent in making the decision, but this does not include published works or those which disclose exempt or confidential information (as defined in Rule 10).

Signed
RICHARD FLINTON, Chief Executive Officer

Publication Date: 17 June 2020

Directorate – Central Services

Note 1 regarding Executive decisions only: This decision will come into force, and may then be implemented, on the expiry of 5 clear working days after publication, unless any 6 members of the Council object to it and call it in by notice in writing (including e-mail) to The Assistant Chief Executive (Legal and Democratic Services).

Note 2: non-executive and non-key executive decisions by Officers are not subject to call in.

Contact for further information: moira.beighton@northyorks.gov.uk

Contact for copy of report considered: moira.beighton@northyorks.gov.uk

To: The PA to the Assistant Chief Executive (Legal and Democratic Services) - for onward circulation to:

All Members of the Council; All Management Board; All Management Board Secretaries; All Senior Managers; All Democratic Services Officers; All Corporate Development Officers; Senior Press Officer; Communications Officer