

North Yorkshire County Council

Report to the Chief Executive Officer

5 June 2020

Members' attendance at meetings during Covid19 pandemic

Report of the Assistant Chief Executive (Legal and Democratic Services)

1.0 **Purpose of report**

- 1.1 To seek approval for matters pertaining to the Covid19 pandemic to 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.

2.0 **Background**

- 2.1 Section 85 of the Local Government Act 1972 provides that membership of office lapses for non-attendance at meetings (including members of the Executive at meetings of the Executive, where authorities are operating executive arrangements):

85.— Vacation of office by failure to attend meetings.

(1) Subject to subsections (2) and (3) below, 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) Attendance as a member at a meeting of any committee or sub-committee of the authority, or at a meeting of any joint committee, joint board or other body by whom for the time being any of the functions of the authority are being discharged, or who were appointed to advise the authority on any matter relating to the discharge of their functions, and attendance as representative of the authority at a meeting of any body of persons, shall be deemed for the purposes of subsection (1) above to be attendance at a meeting of the authority...

- 2.2 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.

2.3 The Chairmen of the Overview and Scrutiny Committees and the Chairman of the Council have agreed that decisions taken by the Chief Executive Officer under his emergency delegated powers shall be treated as a matter of special urgency and exempt from call in where urgent timescales necessitate this.

2.4 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 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 would meet as scheduled. The Planning and Regulatory Functions committee would meet as required to deal with urgent planning applications, Audit 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

3.0 Members' attendance at meetings

3.1 Whilst certain meetings are going to be held remotely, not all Councillors will be able to attend a formal virtual meeting. Most councillors have been intended informal meetings but this is not considered under Section 85 of the Local Government Act 1972. It is therefore recommended to the Chief Executive Officer that it would be 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.

3.2 It is further recommended that the position should be reviewed by the end of October 2020.

4.0 Financial Implications

4.1 There are no significant financial implications.

5.0 Legal Implications

6.1 The legal impacts are highlighted in the body of this report, which seeks to ensure the continuance of appropriate legal decision making and governance arrangements in light of the current pandemic circumstances. It seeks to ensure that there is political representation and that Councillors are not automatically disbarred for not attending a Council meeting during the period of the pandemic.

7.0 Equalities Implications

7.1 There are no specific equality implications.

8.0 Recommendations

For the reasons set out in the body of this report it is recommended that the Chief Executive Officer approves matters pertaining to the Covid19 pandemic being 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 that this approved reason be reviewed by the end of October 2020. Therefore Councillors will not automatically lose their position by not attending meetings during this period.

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5 June 2020

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