



Adur Council
21 May 2020

ADUR DISTRICT COUNCIL

Schedule of Council Meetings and Attendance by Councillors

Report by the Monitoring Officer

Executive Summary

1. Purpose

1.1 Local Government legislation provides that a Councillor will cease to be a Member of a Local Authority if they fail to attend a meeting of the Council for a period of 6 months without approval for their absence.

1.2 This report seeks the Council's approval for the absence of Councillors from meetings, and seeks the Council's endorsement of such approval given by the Chief Executive under his delegated powers.

1.3 It also seeks the Council's endorsement to the cancellation of the Adur District Council meeting that was due to take place on 23rd April 2020 but was cancelled due to the current global pandemic.

2. Recommendations

2.1 That Adur District Council approves Councillor Mear's absence from Council meetings for a 6 month period from 31st October 2019 to 30th April 2020 and notes the Chief Executive's use of delegated powers in relation to this absence.

2.2 That Adur District Council approves Councillor Monk's absence from Council meetings for a period of 6 months from 31st October 2019 to 30th April 2020 and notes the Chief Executive's use of delegated powers in relation to this absence.

2.3 That Adur District Council approves Councillor Metcalfe's absence from Council meetings for a period of 6 months from 31st October 2019 to 30th April 2020 and notes the Chief Executive's use of delegated powers in relation to this absence.

2.4 That Adur District Council approves Councillor Beresford's absence at Council meetings since 19th December 2019.

2.5 Should Councillor Haywood be absent from the Adur District Council meeting on 21st May 2020, that the Council approves her absence at Council meetings since 19th December 2019.

2.6 That the Council notes the cancellation of the Adur District Council meeting scheduled to take place on 23rd April 2020 and the Chief Executive's use of delegated powers in this regard.

3. Background

- 3.1 Councillors Beresford and Haywood last attended a formal meeting of the Council on 19th December 2019, and have been unable to attend a meeting of the Council, its Committees, Sub-Committees or Joint Committees since that date, in part as a result of the cancellation of Council meetings due to the current global pandemic.
- 3.2 Formal approval of Councillor Beresford's absence since 19th December 2019 is sought from the Council. Should such approval be given, it would prevent the '6 month rule' applying and prevent him ceasing to be a Member of the Council on 19th June 2020. It is hoped that Councillor Haywood may attend the meeting of Adur District Council on 21st May 2020, but in the circumstances that she is unable to attend, the Council's formal approval for her absence since 19th December 2019 is also sought, to prevent the '6 month rule' applying.
- 3.3 Councillors Mear, Monk and Metcalfe were unable to attend a meeting of the Council between 31st October 2019 and 30th April 2020, in part as a result of the cancellation of meetings due to the global pandemic. A decision was made by the Chief Executive on 8th April 2020, on behalf of the Council, to

give approval for their absence. This decision was made under the Chief Executive's urgency powers.

- 3.4 The Council is asked to note the Chief Executive's use of urgency powers and endorse the decision in respect of Councillors Mear, Monk and Metcalfe.
- 3.5 The Council had decided, at its 2019 Annual Council meeting, to hold a meeting of the full Council on 23rd April 2020. As a result of the global pandemic and the requirement to socially distance, the Chief Executive used his delegated powers to cancel that meeting. The Council is asked to formally note the cancellation of the meeting.

4.0 Issues to Consider

Councillor Mear

- 4.1 Councillor Mear last attended a formal meeting of the Council on 31st October 2019 (full Council meeting); his attendance is recorded in the minutes. Between 31st October 2019 and 30th April 2020 Councillor Mear was unable to attend a meeting of the Council, or its Committees. This was due in part to ill health, and also in part due to the Council not proceeding with some meetings during the pandemic situation surrounding Covid-19.
- 4.2 Councillor Mear expects to be able to resume attendance at Council meetings now, particularly in the light of the Council's plans to hold meetings remotely, enabling him to be 'present' via remote access.
- 4.3 On 8th April 2020 the Chief Executive gave approval for Councillor Mear's absence on behalf of Adur District Council. The Chief Executive relied upon his urgency powers in the Scheme of Officer Delegations, and in doing so consulted with the Leader of the Council. The decision was deemed urgent as, without any approval being given, Councillor Mear would have ceased to be a Member of the Authority on 30th April 2020, which would have affected the integrity of the Council. The Council is asked to note the Chief Executive's decision and use of urgency powers, and to give formal approval for Councillor Mear's absence from meetings for the 6 month period.

Councillor Monk

- 4.4 Councillor Monk last attended a formal meeting of the Council on 31st October 2019 (full Council meeting); his attendance is recorded in the minutes. Between 31st October 2019 and 30th April 2020 Councillor Monk was unable to attend a meeting of the Council, or its Committees. This was due in part to ill health, to the need to self-isolate in accordance with medical advice and also in part due to the Council not proceeding with some meetings during the pandemic situation surrounding Covid-19.

- 4.5 Councillor Monk expects to be able to resume attendance at Council meetings now, particularly in the light of the Council's plans to hold meetings remotely, enabling him to be 'present' via remote access.
- 4.6 On 8th April 2020 the Chief Executive, gave approval, on behalf of the Council, for Councillor Monk's absence. The Chief Executive relied upon his urgency powers in the Scheme of Officer Delegations, and in doing so consulted with the Leader of the Council. The decision was deemed urgent as, without any approval being given, Councillor Monk would have ceased to be a Member of the Authority on 30th April 2020, which would have affected the integrity of the Council. The Council is asked to note the Chief Executive's decision and use of urgency powers, and to give formal approval for Councillor Monk's absence from meetings for the 6 month period.

Councillor Metcalfe

- 4.7 Councillor Metcalfe last attended a formal meeting of the Council on 31st October 2019 (full Council meeting); his attendance is recorded in the minutes. Between 31st October 2019 and 30th April 2020 Councillor Metcalfe was unable to attend a meeting of the Council, or its Committees. This was due in part to his location and also in part due to the Council not proceeding with some meetings during the pandemic situation surrounding Covid-19.
- 4.8 Councillor Metcalfe expects to be able to resume attendance at Council meetings now, particularly in the light of the Council's plans to hold meetings remotely, enabling him to be 'present' via remote access.
- 4.9 On 8th April 2020 the Chief Executive, gave approval for Councillor Metcalfe's absence, on behalf of Adur District Council. The Chief Executive relied upon his urgency powers in the Scheme of Officer Delegations, and in doing so consulted with the Leader of the Council. The decision was deemed urgent as, without any approval being given, Councillor Metcalfe would have ceased to be a Member of the Authority on 30th April 2020, which would have affected the integrity of the Council. The Council is asked to note the Chief Executive's decision and use of urgency powers, and to give formal approval for Councillor Metcalfe's absence from meetings for the 6 month period.

Councillor Beresford

- 4.10 Councillor Beresford last attended a formal meeting of Council on 19th December 2019, (full Council meeting); his attendance is recorded in the minutes. Since then Councillor Beresford has been unable to attend meetings of the Council and its Committees since that date due to ill health.
- 4.11 Councillor Beresford's six month attendance would be calculated from 19th December 2019. It is hoped that Councillor Beresford may be able to resume attendance at Council and Committee meetings in the near future, but this is unlikely to be before 18th June due to ongoing health issues. To prevent the 6

month rule applying, and him ceasing to be a Councillor on 18th June 2020, he must either attend a meeting or the Council's formal approval for his non-attendance must be given, prior to that date. The Council's formal approval is sought.

Councillor Haywood

- 4.12 Councillor Haywood last attended a formal meeting of Council on 19th December 2019, (full Council meeting); her attendance is recorded in the minutes. Since then Councillor Haywood has been unable to attend meetings of the Council and its Committees. This is in part, due to other commitments, but more recently due to the fact that some Council meetings did not proceed during the pandemic situation surrounding Covid-19.
- 4.13 Councillor Haywood expects to be able to resume attendance at Council and Committee meetings now and anticipates being in remote attendance, via remote access, at the Adur District Council meeting on 21st May 2020.
- 4.14 However, if for any reason Councillor Haywood is unable to attend the meeting on 21st May 2020, and does not attend a meeting prior to 18th June 2020, the six month rule would apply and she would cease to be a Councillor on that date, unless the Council formally gives its approval for her non-attendance in advance. Should Councillor Haywood not be in attendance at the meeting of full Council on 21st May 2020, formal approval for her non-attendance is sought.

5.0 Proposals

Councillors Mear, Monk and Metcalfe

- 5.1 Council is invited to note and endorse the Chief Executive's use of urgency powers in providing approval for the absence of Councillors Mear, Monk and Metcalfe for the period 31st October 2019 to 30th April 2020.
- 5.2 If Council does not formally endorse the decision, vacancies will be declared on 22nd May 2020.

Councillors Haywood and Beresford

- 5.3 Council is invited to consider approving Councillor Beresford's absence from Council meetings since 19th December 2019 (and Councillor Haywood's if she is not in attendance).
- 5.4 If Council does not officially approve Councillor Haywood and Councillor Beresford's absence, and neither do they attend a meeting between now and 18th June 2020, then the vacancies will be declared on 19th June 2020.

6.0 Legal

- 6.1 The Local Government Act 1972, Section 85 requires 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’.
- 6.2 Paragraph 2.1.2 of the Adur District Council Scheme of Delegations to Officers provides the authority for the Chief Executive to take urgent action on behalf of the Council. Such action must be taken in consultation with the Leader. A report on the use of urgency powers must be taken to the first available Council meeting following the decision. Any decision shall only take effect on a temporary basis until such time as a Council decision may be made.

7.0 Financial implications

- 7.1 There are no additional costs arising from this report.

Local Government Act 1972

Background Papers:

Minutes Adur District Council Meeting 31st October 2019
Minutes of Adur District Council Meeting 19th December 2019

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