

Ward(s) Affected: All

## **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 a Councillor from meetings.

1.3 It also seeks the Council's endorsement to the cancellation of the Worthing Borough Council meeting that was due to take place on 21st April 2020 but was cancelled due to the current global pandemic.

##### **2. Recommendations**

2.1 Should Councillor Murphy be absent from the Worthing Borough Council meeting on 26th May 2020, that the Council approves her absence from Council meetings since 17th December 2019.

2.6 That the Council notes the cancellation of the Worthing Borough Council meeting scheduled to take place on 21st April 2020 and the Chief Executive's use of delegated powers in this regard.

### **3.0 Background**

#### Councillor Murphy

- 3.1 Councillor Murphy last attended a formal meeting of the Council on 17th December 2019, and has been unable to attend a meeting of the Council, it's 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 It is hoped that Councillor Murphy may attend the meeting of Worthing Borough Council on 26th May 2020, but in the circumstances that she is unable to attend, the Council's formal approval for her absence since 17th December 2019 is sought, to prevent the '6 month rule' applying. If she is unable to attend, and the Council does not provide its formal approval for her absence, legislation provides that she would cease to be a Councillor on 16th June 2020.

#### Worthing Borough Council Meeting 21st April 2020

- 3.3 The Council made a formal resolution as to its schedule of meetings which included a meeting of the full Council to be held on 21st 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 and endorse the cancellation of the meeting.

### **4.0 Issues for consideration**

- 4.1 Councillor Murphy last attended a formal meeting of Council on 17th December 2019, (full Council meeting); her attendance is recorded in the minutes. Since then Councillor Murphy has been unable to attend meetings of the Council and its Committees. This is in part, due to work commitments resulting in significantly increased travel, but more recently due to the fact that some Council meetings did not proceed during the pandemic situation surrounding Covid-19.
- 4.2 Councillor Murphy expects to be able to resume attendance at Council and Committee meetings now and anticipates being in attendance, via remote access, at the Worthing Borough Council meeting on 26th May 2020.
- 4.3 However, if for any reason Councillor Murphy is unable to attend the meeting on 26th May 2020, and does not attend a meeting prior to 16th 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 Murphy not be in attendance at the meeting of full Council on 26th May 2020, formal approval for her non-attendance is sought.

## **5.0 Proposals**

- 5.1 Council is invited to consider approving Councillor Murphy's absence from Council meetings since 17th December 2019 if she is not in attendance.
- 5.4 If Council does not officially approve Councillor Murphy's absence, and neither does she attend a meeting between now and 16th June 2020, then the vacancy will be declared on 17th 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 Worthing Borough 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 of Worthing Borough Council Meeting 17th December 2019

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