

North Tyneside Council

Urgent Report to Council

Date: 19 March 2020

ITEM 10

Title: Approval for
Absence

Portfolio(s): Elected Mayor

Cabinet Member(s): Norma Redfearn

Responsible Officer: Bryn Roberts, Head of Law and Governance (Tel: 643 5339)

Wards affected: All

PART 1

1.1 Executive Summary:

To ensure that absences recommended or mandated by Central Government for the purpose of ensuring health and limiting the spread of COVID-19 do not cause any member to fall foul of the six month requirement, set out in Section 85 of the Local Government Act 1972, the report seeks to extend the attendance period from six months to twelve. This does not mean that no meetings will be held, as we are awaiting clarification on how we can continue to hold meetings, but provides flexibility around the attendance timescales.

1.2 Recommendation(s):

It is recommended that Council:

1. Note the contents of this report;
2. Agree that, pursuant to Section 85(1) of the Local Government Act 1972, the absence of the Elected Mayor and all members from all meetings of the authority for an additional period of 6 months, from the date of their last attendance, shall be duly approved; and
3. Agree that, pursuant to Section 85(3) of the Local Government Act 1972, the absence of the Elected Mayor and all Cabinet members from all meetings of the Cabinet for an additional period of 6 months, from the date of their last attendance, shall be duly approved.

1.3 Forward plan:

Given the urgent nature of the report it has not been possible to give 28 days' notice of this report.

1.4 Council plan and policy framework

This report relates to the following priorities in the Our North Tyneside Plan:

“Our People”, as ensuring the health of Councillors should not be taken to prejudice their positions as Elected Members.

1.5 Information:

1.5.1 Background

Members will undoubtedly be aware of the attendance requirements set out in section 85 of the Local Government Act 1972.

In this time of uncertainty and a daily-changing situation it is only sensible to suspend the rule that you need to have an attendance within a six-month period. This is purely precautional as we are not in a position to know when normal meetings will resume. Members are, therefore, asked to agree such approvals in advance.

1.5.2 Future Options

Notwithstanding the above, Central Government has suggested that it will introduce a time-limited change to how meetings are conducted, to allow members to attend ‘electronically’ (i.e. either by telephone or video call). If this is the case, it is expected that the programme of meetings will be reinstated to some extent (subject to consultation with members), and in those circumstances the approvals above will not be required.

In the event that electronic meetings commence, papers for those meetings will be available either through the website or by direct e-mail (for exempt reports), and the printing of reports will be severely restricted.

1.5.3 Conclusion

Given the current uncertainty around future meetings, it seems sensible to take precautionary steps to ensure that members are not disadvantaged by either Public Health England advice or Central Government guidance and requirements. The above recommendations will ensure that this is not the case.

1.6 Decision options:

The following decision options are available for consideration by Council:

Option 1

Note the content of the Report and agree the recommendations.

Option 2

Note the content of the Report and not agree the recommendations.

Option 1 is the recommended option.

1.7 Reasons for recommended option:

Option 1 is recommended for the following reason:

To ensure that members are able to adhere to Public Health England advice or Central Government guidance and requirements without being disadvantaged.

1.8 Appendices:

There are no appendices to this report.

1.9 Contact officers:

Bryn Roberts, Head of Law and Governance, tel 643 5339
Dave Brown, Senior Manager, Democratic and Electoral Services, tel 643 5358
Claire Emmerson, Senior Manager, Financial Strategy and Planning, tel 643 8109

1.10 Background information:

[Section 85](#) of the Local Government Act 1972.

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

There are no financial or other resource implications arising directly from this report.

2.2 Legal

Section 85 of the Local Government Act 1972 requires that all absences be approved prior to the expiry of the relevant six-month period.

2.3 Consultation/community engagement

Internal Consultation

The Report has been circulated to the Chief Executive, Heads of Service, the Elected Mayor, and Deputy Mayor.

2.4 Human rights

There are no human rights implications arising directly from this report.

2.5 Equalities and diversity

There are no equalities or diversity implications arising directly from this report.

2.6 Risk management

No risk assessment is required for the recommendation.

2.7 Crime and disorder

There are no crime and disorder implications directly arising from this report.

2.8 Environment and sustainability

There are no environment and sustainability implications directly arising from this report.

PART 3 - SIGN OFF

- Chief Executive
- Head(s) of Service
- Mayor/Cabinet Member(s)
- Chief Finance Officer
- Monitoring Officer
- Head of Corporate Strategy and Customer Service