

# Notice of Meeting

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## Governance and Audit Committee

**Thursday, 8th November, 2012 at  
5.30 pm in Committee Room 2 Council  
Offices Market Street Newbury**

Date of despatch of Agenda: Wednesday, 31 October 2012

For further information about this Agenda, or to inspect any background documents referred to in Part I reports, please contact Andy Day / Moira Fraser on (01635) 519459 / (01635) 51904

e-mail: [aday@westberks.gov.uk](mailto:aday@westberks.gov.uk) / [mfraser@westberks.gov.uk](mailto:mfraser@westberks.gov.uk)

Further information and Minutes are also available on the Council's website at [www.westberks.gov.uk](http://www.westberks.gov.uk)



**Agenda - Governance and Audit Committee to be held on Thursday, 8 November 2012**  
(continued)

**To:** Councillors Jeff Beck (Chairman), Paul Bryant, David Holtby, Tony Linden, Julian Swift-Hook (Vice-Chairman), Tony Vickers and Quentin Webb  
**Substitutes:** Councillors Peter Argyle, Brian Bedwell, Alan Macro and David Rendel

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# Agenda

## Part I

**Page No.**

- 1. Apologies**  
To receive apologies for inability to attend the meeting (if any).
- 2. Declarations of Interest**  
To receive any Declarations of Interest from Members.
- 3. Approval of Councillor Absence (C2574)**  
*Purpose: To delegate to the Monitoring officer the ability to approve absences from attendance at meetings in certain circumstances of Members of the Council by amending the Scheme of Delegation.* 1 - 6

Andy Day  
Head of Strategic Support

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If you require this information in a different format or translation, please contact Moira Fraser on telephone (01635) 519045.



**West Berkshire**  
C O U N C I L

# Agenda Item 3.

<b>Title of Report:</b>	<b>Approval of Councillor Absence</b>
<b>Report to be considered by:</b>	Council
<b>Date of Meeting:</b>	13 December 2012
<b>Forward Plan Ref:</b>	C2574

**Purpose of Report:** To delegate to the Monitoring Officer the ability to approve absences from attendance at meetings in certain circumstances of Members of the Council by amending the Scheme of Delegation.

**Recommended Action:**

1. To agree the amendment to the Scheme of Delegation to allow the Monitoring Officer to approve applications for absent Councillors subject to consultation with Group Leaders.
2. To recommend that Council ratifies and approves this arrangement and the amendment to the Scheme of Delegation.

**Reason for decision to be taken:** To enable Councillor absences to be approved by the Monitoring Officer in certain circumstances under section 85 of the Local Government Act 1972

**Other options considered:** N/A

**Key background documentation:** Section 85 Local Government Act.

The proposals in this report are statutory requirements

<b>Member Details</b>	
<b>Name &amp; Telephone No.:</b>	Councillor Jeff Beck (01635) 44770
<b>E-mail Address:</b>	jbeck@westberks.gov.uk
<b>Date Portfolio Member agreed report:</b>	30 October 2012

  

<b>Contact Officer Details</b>	
<b>Name:</b>	David Holling
<b>Job Title:</b>	Head of Legal Services/Monitoring Officer
<b>Tel. No.:</b>	01635 519422
<b>E-mail Address:</b>	dholling@westberks.gov.uk

## Implications

- Policy:** This is a new arrangement in order to deal with Councillor absences which is not currently covered by the Constitution or under the Scheme of Delegation.
- Financial:** There are no financial implications as the process will be covered by existing resources.
- Personnel:** N/A
- Legal/Procurement:** Section 85 of the Local Government Act 1972 provides that if a Member is absent for 6 months s/he ceases to be a Member of the Council. Council can approve absences for longer than 6 months in certain circumstances. The proposal would avoid the necessity of every application being considered at a full Council meeting
- Property:** N/A
- Risk Management:** No adverse risks are likely to arise as a result of this arrangement.
- Equalities Impact Assessment:** Attached at appendix A - EIA stage 1.

Is this item subject to call-in?	Yes: <input type="checkbox"/>	No: <input checked="" type="checkbox"/>
If not subject to call-in please put a cross in the appropriate box:		
The item is due to be referred to Council for final approval	<input checked="" type="checkbox"/>	
Delays in implementation could have serious financial implications for the Council	<input type="checkbox"/>	
Delays in implementation could compromise the Council's position	<input type="checkbox"/>	
Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months	<input checked="" type="checkbox"/>	
Item is Urgent Key Decision	<input type="checkbox"/>	
Report is to note only	<input type="checkbox"/>	

# Executive Report

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## 1. Introduction

- 1.1 Under section 85 of the Local Government Act 1972 if a Member of the Council fails, throughout a period of six consecutive months from the date of his or her last attendance, to attend any meeting of the Council they will cease to be a Member of the Authority. Under Section 85 the Council is able to approve a reason for absence. In normal circumstances a Member not attending meetings for a period of months would be reminded by Group Executives and may then make efforts to attend. This is not always possible in cases of illness.
- 1.2 Under current arrangements it would be necessary for approval to be considered by full Council. This would be an unwieldy arrangement and it is therefore proposed that in certain circumstances such as illness or cases of urgency of extended periods of work abroad that application be made in writing to the Monitoring Officer who would consult all Group Leaders and having taken into account any comments that they may have, approve/reject such an application.
- 1.3 At present there is no Delegated Authority in the Constitution to cover the above arrangement. As a result of circumstances which have arisen recently, it is therefore necessary to bring this proposal before Committee to seek urgent approval. If Committee approve these arrangements, they will be implemented immediately and will require ratification at the next full meeting of Council in December.
- 1.4 It is proposed that in the Scheme of Delegation a further bullet point is added in paragraph 3.13.2 as follows:

### Local Government Act 1972

- Section 85 - As Monitoring Officer to authorize Member absence for longer than six months in specific circumstances subject to consultation with all Group Leaders.
- Section 229(5) - Certification of photographic copies of documents.
- Section 234(1) and (2) - Authorisation of documents.

### Equality Impact Assessment and Outcomes

- 1.5 Stage 1 - The Equality Impact Assessment has been undertaken and is attached at Appendix A

## 2. Recommendation

- 2.1 It is recommended that Committee approve the changes to the Scheme of Delegation as set out in the report and that such changes are ratified by Council at its December meeting.

## Appendices

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Appendix A – Equality Impact Assessment – Stage 1

## **Consultees**

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**Local Stakeholders:** N/a

**Officers Consulted:** Andy Day; Moira Fraser; Sarah Clarke; Corporate Board

**Trade Union:** N/a

## Equality Impact Assessment – Stage One

<b>Name of item being assessed:</b>	Councillor Absence/Failure to Attend Meeting
<b>Version and release date of item (if applicable):</b>	V1 - 25th October 2012
<b>Owner of item being assessed:</b>	David Holling
<b>Name of assessor:</b>	David Holling
<b>Date of assessment:</b>	25th October 2012

<b>1. What are the main aims of the item?</b>
To provide an effective means of approving Councillor absences in accordance with Section 85 of the Local Government Act 1972 by delegation to the Monitoring Officer in consultation with group leaders.

<b>2. Note which groups may be affected by the item, consider how they may be affected and what sources of information have been used to determine this.</b>		
<b>Group Affected</b>	<b>What might be the effect?</b>	<b>Information to support this.</b>
Members of the Council	Little or no impact	
<b>Further comments relating to the item:</b>		
This is an internal arrangement and will not impact on the public or service provision.		

<b>3. Result (please tick by clicking on relevant box)</b>	
<input type="checkbox"/>	<b>High Relevance</b> - This needs to undergo a Stage 2 Equality Impact Assessment
<input type="checkbox"/>	<b>Medium Relevance</b> - This needs to undergo a Stage 2 Equality Impact Assessment
<input type="checkbox"/>	<b>Low Relevance</b> - This needs to undergo a Stage 2 Equality Impact Assessment
<input checked="" type="checkbox"/>	<b>No Relevance</b> - This <b>does not</b> need to undergo a Stage 2 Equality Impact Assessment

**For items requiring a Stage 2 equality impact assessment, begin the planning of this now, referring to the equality impact assessment guidance and Stage 2 template.**

<b>4. Identify next steps as appropriate:</b>	
Stage Two required	N/A
Owner of Stage Two assessment:	
Timescale for Stage Two assessment:	
Stage Two not required:	

**Name:** David Holling

**Date:** 25th October 2012

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