

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

**EXECUTIVE MANAGEMENT TEAM'S
REPORT TO**

Council
23 September 2020

Report Title: Urgent Decision Notification – 6 Month Rule

Submitted by: Chief Executive

Portfolios: Corporate and Service Improvement, People and Partnerships

Ward(s) affected: All

Purpose of the Report

To report a Council decision taken by the Chief Executive, in consultation with the Group Leaders, under urgency powers, and to ask Council to consider extending the extension of the current exemption to the “6 month rule”.

Recommendation

That Council:-

- 1) Note the urgent decision taken by the Chief Executive, in consultation with the Group Leaders, on 28 April 2020
- 2) Consider whether or not to extend the dispensation currently in place which will prevent members losing their seat by operation of the rule which requires at least one attendance at a council/committee meeting in a rolling 6 month period.

Reasons

To comply with the requirement to report urgent decisions taken to full council, and to determine whether a further dispensation is required to allow for the constraints brought about by the Covid-19 pandemic.

1. **Background**

- 1.1 The attached decision was made by the Chief Executive, in consultation with the Group Leaders, on 28 April 2020 under the urgency provisions in the Council’s constitution as detailed therein. The decision was taken in response to “lock-down” and mindful that the inability to hold meetings might inadvertently result in members losing their seats by operation of the rule set out in Section 85(1) of the Local Government Act 1972 (“the six month rule”). The constitution requires this decision to be formally reported to a meeting of full Council, which this report now does.
- 1.2 The effect of the urgent decision taken was to disapply the six month rule to avoid any seats being lost inadvertently on account of the national constraints in place (at the time) on holding council/committee meetings. The decision disapplied the rule until

“...date upon which full Council next meets (otherwise than by remote means) on an unrestricted attendance basis.”

1.3 It is currently possible to hold meetings physically, provided guidance is complied with in terms of necessity and Covid Secure measures. Whilst it is hoped that the easing of restrictions continues, it cannot be guaranteed. There is now provision to hold meetings using video conferencing technology, or by combination of physical and remote means (i.e. “hybrid meetings”). Whilst meetings held through any combination of these methods will be sufficient to meet the requirements of the 6 month rule, it may be that some members are still unable to comply through an inability to attend physical meetings and/or issues with operating the technology required to attend remotely.

1.4 Council should, therefore, determine whether it wishes to end the current dispensation, or continue it until at least the next meeting of Council where the matter can be reconsidered.

2. **Issues**

2.1 Set out above.

3. **Proposal**

3.1 That Council note the urgent decision taken by the Chief Executive, in consultation with the Group Leaders, on 28 April 2020 and consider whether or not to extend the dispensation currently in place which will prevent members losing their seat by operation of the rule which requires at least one attendance at a council/committee meeting in a rolling 6 month period.

4. **Reasons for Proposed Solution**

4.1 Set out above.

5. **Options Considered**

5.1 N/A

6. **Legal and Statutory Implications**

6.1 Set out above.

7. **Equality Impact Assessment**

7.1 The council must comply with its public equality duties. Whilst the Council’s ICT department has done everything that could possibly be expected of it in terms of providing hardware and technical support to enable members to join meetings remotely, there have been rare instances where some members have simply been unable to consistently participate in remote meetings to maximum effect.

7.2 If members are not able to attend physical meetings, or effectively operate the technology that enables them to join meetings remotely, and the 6 month rule exemption is disappplied, that is likely to amount to indirect discrimination on grounds of age or infirmity.

8. **Financial and Resource Implications**

8.1 None

9. **Major Risks**

9.1 The equality considerations above relate.

10. **Sustainability and Climate Change Implications**

10.1 None

11. **Key Decision Information**

11.1 N/A

12. **Earlier Cabinet/Committee Resolutions**

12.1 The urgency decision notice appended.

13. **List of Appendices**

13.1 The urgency decision notice appended.

14. **Background Papers**

14.1 The urgency decision notice appended.