

Report to the Council

Committee: Group Leaders **Date:** 8 April 2020
Subject: Local Government Act 1972, Section 85 – Exemption from the ‘Six Month Rule’
Chairman: Councillor R Bassett.

Recommending:

(1) That the following decision made by the Group Leaders at their meeting held on 8 April 2020 under Appendix 3 – Action in Designated Emergencies – of Article 7 – The Executive – of the Constitution be noted:

(a) That a blanket exemption from the ‘Six Month Rule’ within Section 85 of the Local Government Act 1972 be granted to all Members;

(b) That this exemption be granted for a period ending with the Annual Meeting of the Council in 2021; and.

(c) That this exemption be noted by the Council at its next meeting.

1. Under Section 85 of the Local Government Act 1972, if a member of a local authority fails throughout a period of six consecutive months from the date of their last attendance to attend any meeting of the authority (or the Cabinet or any committee or sub-committee of the authority), he/she shall, unless the failure was due to some reason previously approved by the authority before the expiry of that period, cease to be a member of the authority.

2. In view of the current public health emergency relating to Covid-19, which has been declared a pandemic by the World Health Organisation and for which the UK Government also announced measures for the population to stay at home unless their journey was absolutely necessary, there was a possibility that a member or members might not be able, or feel able to attend a meeting or meetings because the member:

(a) had contracted or been infected by Covid-19;

(b) had tested positive for Covid-19;

(c) was suspected of having or suspects that he/she has contracted or been infected by Covid-19;

(d) had concerns that they might contract or become infected with Covid-19;

(e) was in quarantine or self-isolating (whether or not on the instruction or advice of any public authority or medical professional) in relation to Covid-19;

(f) was unable to attend, or decided not to attend, the meeting because of any prohibition, instruction, action or advice of any public authority in relation to Covid-19 and relating to attendance at, or travel to or from, the meeting (or meetings or gatherings generally which would include the meeting); or

(g) was unable to attend the meeting because the meeting was cancelled or postponed for a reason relating to Covid-19.

3. The Group Leaders considered this issue at their virtual meeting held on Wednesday 8 April 2020. They were advised by the Council's Monitoring Officer that, due to the current difficulties in calling a meeting of the full Council, a blanket exemption from the 'Six-Month Rule' within Section 85 of the Local Government Act 1972 could be granted to all Members under the emergency powers contained with Appendix 3 – Action in Designated Emergencies – of Article 7 – The Executive – of the Constitution.

4. The Group Leaders duly took the decision and granted the exemption for all Councillors for a period ending with the Annual Meeting of the Council in 2021. In addition, it was agreed that this decision should be noted by the Council when its next meeting was actually held.

5. We recommend as set out at the commencement of this report.