


## EMERGENCY COMMITTEE

24 June 2020

<b>Subject:</b>	<b>Six Month Attendance Rule</b>
<b>Director:</b>	<b>Director of Law and Government and Monitoring Officer – Surjit Tour</b>
<b>Contribution towards Vision 2030:</b>	
<b>Contact Officer(s):</b>	Suky Suthi-Nagra Democratic Services Manager Suky_suthinagra@sandwell.gov.uk

### DECISION RECOMMENDATIONS

That in connection with Minute No 3/20 (7) and (8) of the Emergency Committee taken on 18 March 2020, Council's Standing Order No. 29 be suspended to enable further consideration to member attendance dispensations at a meeting of the Emergency Committee in July 2020.

#### 1 **PURPOSE OF THE REPORT**

- 1.1 Approval is sought to suspend the Council's Standing Orders to consider at a future meeting whether to issue member dispensations where a member is unable to, throughout a period of six consecutive months from the date of their last attendance, to attend any meeting of the Authority.

## 2 BACKGROUND AND MAIN CONSIDERATIONS

2.1 Due to Covid-19 and the inability to call a meeting of the Council to consider any dispensations to the six month attendance rule, on 18 March 2020, the Emergency Committee gave approval to the following (see Minute No. 3/20):-

**(7)the requirements of Section 85 of the Local Government Act 1972 be waived, and an extension of the six-month rule be approved for the following members, with effect from 18 March 2020, expiring at the Annual Meeting of Council on a date to be determined;**

**Councillor Costigan  
Councillor L Horton  
Councillor Lewis  
Councillor Sandars  
Councillor P M Hughes**

**(8)meetings of the Emergency Committee are arranged as and when required to consider urgent business and any further dispensations to the 6- month rule as a result of all public meetings being suspended, including a meeting of the Council and, in the event that this is not possible, the Chief Executive, in consultation with the Director of Law and Governance and Monitoring Officer, is authorised to determine any application for a dispensation that is made in respect of an elected member.**

2.2 In early March 2020 it was anticipated that an Annual Meeting of the Council would take place in May 2020. However, due to the restrictions enacted across the country, this was not possible. The Emergency Committee on 27 May 2020 gave approval to an interim programme of meetings for the 2020/21 Municipal Year up to the end of September 2020 but this did not include a date for annual council.

2.2 Following the introduction of The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 ("the Remote Committee Regulations") which came into force on 4<sup>th</sup> April 2020, the Council is now able to operate remote meetings which removes the requirements for members to physically attend a meeting in order to be counted toward attendance at the meeting.

As a reduced number of meetings have now been agreed, there is an opportunity for most members to attend a meeting and not have to seek a dispensation to the “six month rule”. The Council’s Standing Order No. 29 states that:

### **Previous Decisions and Motions**

- (29) **At a meeting of the Council, no motion or amendment shall be moved to rescind any resolution of the Council which was passed within the preceding six months or which has the same effect as one which has been rejected within that period unless:**
- (a) it is a recommendation of the Cabinet, a cabinet member or a committee; or**
  - (b) notice of such motion has been given by 18 members of the Council under Standing Order 8 (notices of motion).**

Given that the Emergency Committee only approved the dispensations in March 2020, the Council’s Standing Orders must be suspended to enable a decision of the Committee to be reviewed during the preceding six month period. If agreed, it is proposed to submit a further report to the Emergency Committee to consider whether any further dispensations are required or whether there are sufficient opportunities for those members who may fall foul of the six month rule to attend committee meetings that they have been appointed to.

- 2.3 There are a small number of Members who do not currently hold seats on a committee and their only opportunity to attend a meeting would be that of Full Council. As a meeting of Council has not yet been scheduled, a report to the Emergency Committee would seek dispensations for those members affected.

## **3 ALTERNATIVE OPTIONS**

The Committee will need to consider whether members who have no opportunity to attend a committee meeting will require a dispensation to the six month attendance rule. Failure to consider and approve any necessary dispensations could result in an elected member losing their seat.

## **4 STRATEGIC RESOURCE IMPLICATIONS**

- 4.1 There are no strategic resource implications arising from this report.

## **5 LEGAL AND GOVERNANCE CONSIDERATIONS**

- 5.1 Section 85 of the Local Government Act 1972 states that '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 they will, unless the failure was due to some good reason approved by the Authority before the expiry of that period, cease to be a member of the Authority'. Attendance can be at any committee or sub-committee, or any joint committee, joint board or other body where the functions of the Authority are discharged or who were appointed to advise the Authority on any matter relating to the discharge of their functions. The requirement can be waived and the time limit extended if any failure to attend was due to a reason approved by the Authority, in advance of the six month period expiring.
- 7.2 Should any councillor lose office through failure to attend for the six month period, the disqualification cannot be overcome by the councillor subsequently resuming attendance nor can retrospective approval of the Council be sought for an extension in time. If the Council decided not to approve an extension and, as they would be unable to attend another meeting, a casual vacancy would arise.
- 5.2 Existing legislation requires the Council not to disadvantage any member in respect of their statutory minimum attendance at meetings in a situation where meetings are cancelled. For this purpose, the Committee must consider the grant or an extension of any dispensation to those members who due to illness or other extenuating circumstances have been and are unlikely to be able to attend meetings.
- 5.3 Standing Orders state that a decision of the Council cannot be rescinded if passed within the preceding six month period. As the Emergency Committee are currently meeting in the place of the Council, in order to be able to consider whether dispensations are still required, it is proposed to waive Standing Order No. 29 to enable a further report to be considered by the Emergency Committee in July 2020.

## **6 EQUALITY IMPACT ASSESSMENT**

- 6.1 An equality impact assessment has not been undertaken.

## **7 DATA PROTECTION IMPACT ASSESSMENT**

- 7.1 A data protection impact assessment has not been undertaken.

## **8 CRIME AND DISORDER AND RISK ASSESSMENT**

8.1 A crime and disorder and risk assessment has not been undertaken.

## **9 SUSTAINABILITY OF PROPOSALS**

9.1 The proposals are being considered to ensure that no councillor loses office during this period. When all Council Members are able to access meetings using an electronic solution and a Full Council meeting can be held the full programme of meetings will be restored.

## **10 HEALTH AND WELLBEING IMPLICATIONS (INCLUDING SOCIAL VALUE)**

10.1 The proposals will ensure that the Council is still able to make decisions and no members are disadvantaged due to non-attendance at meetings.

## **11 IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND**

11.1 None.