



Record of Officer's Decision

The Openness of Local Government Bodies Regulations 2014 and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

Date of Decision:	31 March 2020
Decision Maker (Officer):	Ian Davidson, Chief Executive
Authority for Delegated Decision (Cabinet/Committee Decision or Scheme of Delegation – provide reference):	Schedule 2 [Responsibility for Council (Non-Executive) Functions] of Part 3 (Scheme of Delegated Powers) of the Constitution authorises the Chief Executive (under General Matters Principle No.6) to deal with any matter on exceptional grounds of urgency, following consultation with the Chairman (or failing them the Vice-Chairman) of the Council or Committee, as appropriate.
Identify which Portfolio Holder(s)/Committee Chairman etc. consulted?	Chairman of the Council (Councillor Dan Land)
Ward Member(s) consulted?	Not Applicable – though all Members of the Council were emailed a copy of the relevant Officer report and had the opportunity to express their views.
Is it a Key Decision?	Not Applicable as this decision relates to a Non-Executive Function.
Is it subject to call-in?	Not Applicable as this decision relates to a Non-Executive Function.
Decision Made:	That Councillor Overton's reason (namely illness) for non-attendance at meetings of the Council be approved in the event of her not attending a meeting before 7 April 2020.
Reason for Decision (if a report was produced to support the Decision, refer to or attach it):	In order to prevent Councillor Nicola Overton becoming disqualified from the office of Councillor given that the meeting of the Full Council due to have been held on 31 March 2020 was cancelled as a result of the Covid-19 public health emergency. 39 (out of 48) Members responded to the consultation,

	<p>and of those, the vast majority (92.3%) supported approving Councillor Overton's reason for non-attendance and no Councillors stated that they were not in favour. 9 Councillors either did not respond and so expressed no opinion or responded but indicated that they wished to abstain.</p> <p>This proposed decision was also discussed at the Group Leaders' meeting held on 20 March 2020 and there was no objection voiced.</p> <p>Councillor Overton's GP has certified that she is ill and that this illness is at a level where she is unfit to work for at least 11 weeks. This will be the case up until 30 April 2020 at the earliest.</p>
<p>Highlight any associated risks/finance/legal/equality considerations:</p>	<p><u>Legal</u></p> <p><i>If a Councillor does not attend any meeting of the Council (or any of its Committees or Sub-Committees) for a consecutive period of six months, Section 85 of Part V of the Local Government Act 1972 disqualifies them unless the Full Council approves the reason for non-attendance before the end of that period.</i></p> <p><i>Research has been undertaken into the suitability of using the delegated urgency provisions for Section 85 and it is considered reasonable to do so in the current circumstances. All Group Leaders were consulted on this approach and happy with the business continuity arrangements being proposed.</i></p> <p><i>Section 78 of the Coronavirus Act 2020 (c.7) authorises (in England) the Secretary of State to introduce Regulations (made by Statutory Instrument) that, in relation to local authority meetings to be held, or held, before 7 May 2021, may make provisions relating to when, where and the manner in which local authority meetings can be held (including 'virtually'). The Secretary of State may also by Regulation disapply, modify, or make different or supplementary provisions of any local government law that pertains to local authority meetings. At the time of this decision no Regulations had been made.</i></p> <p><i>Given the current timescale the Council has to make a decision on Councillor Overton prior to the Regulations being made and coming into force, otherwise the disqualification of Councillor Overton is automatic.</i></p>

	<p><u>Financial</u></p> <p><i>Allowing Councillor Overton to become disqualified from office would lead to a vacancy on the Council. Any saving from a reduction in Members' Allowances payments would be more than offset by the cost of administering the subsequent By-Election (and the timing of this would be uncertain given the same Covid-19 emergency).</i></p> <p><u>Equality and Reputational</u></p> <p><i>It would be personally unfair to Councillor Overton to allow her to lose her seat on the Council in such circumstances and the Council would run the risk of public criticism for allowing it to happen given that it had a mechanism available with which to prevent it happening.</i></p>								
<p>Details of any Alternative Options Considered and rejected (together with reasons):</p>	<p>Not to approve the reason for non-attendance. This was rejected for the reasons already stated.</p>								
<p>Details of any declarations of interest (by Portfolio Holder/Committee Chairman who was consulted by the officer, which related to the decision)</p> <p>If relevant, a note of the dispensation granted by the Monitoring Officer:</p>	<p>None</p>								
<p>Reason Decision, or supporting Report, is not published:</p> <p><i>Tick one or more of the specific exemptions,</i></p> <p><u>and</u></p>	<p>✓ Not applicable – Decision [and report] to be published</p> <p>If Report is not to be published – tick one of the following boxes:</p> <table border="1"> <tr> <td data-bbox="563 1709 624 1783"></td> <td data-bbox="624 1709 1370 1783">The report supporting the Decision contains confidential information</td> </tr> <tr> <td data-bbox="563 1783 624 1895"></td> <td data-bbox="624 1783 1370 1895">The Report supporting the Decision falls within an exemption pursuant to Schedule 12A of the Local Government Act 1972 Information:</td> </tr> <tr> <td data-bbox="563 1895 624 1939"></td> <td data-bbox="624 1895 1370 1939">• Relates to an individual</td> </tr> <tr> <td data-bbox="563 1939 624 1973"></td> <td data-bbox="624 1939 1370 1973">• Likely to reveal the identity of an individual</td> </tr> </table>		The report supporting the Decision contains confidential information		The Report supporting the Decision falls within an exemption pursuant to Schedule 12A of the Local Government Act 1972 Information:		• Relates to an individual		• Likely to reveal the identity of an individual
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<p><i>Give more information in the final box with regards to why the exemption applies and outweighs the public interest test (which is in favour of disclosure).</i></p>		<ul style="list-style-type: none"> • Relating to financial or business affairs of a person or organisation
		<ul style="list-style-type: none"> • Relates to a claim for legal professional privilege in legal proceedings
		<ul style="list-style-type: none"> • Reveals that the Council proposes to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or to make an order or direction under any enactment
		<ul style="list-style-type: none"> • Relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime
	<p><u>And</u> is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information</p> <p>Reasons: [insert]</p>	

Officer

Signed:



Chief Executive

In consultation with:

Signed:

Chairman of the Council

Signed:

Monitoring Officer

Dated: