

Officer decision record: Use of the Chief Executive's Urgency Powers

"Where, in the opinion of the Chief Executive, by reason of limitation of time or urgency, a decision is required on any matter, after such consultation as they consider necessary (or as is required by the Council's Budget and Policy Framework Procedure Rules in Part 4 of this Constitution), they shall have power to make a decision provided that any such decision shall be reported to the next meeting of the Cabinet, appropriate Committee or Council unless there is a need for confidentiality, in which case the reporting of the decision may be deferred until the need for confidentiality expires"

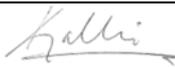
The decision that is being made:

Due to illness, Councillor David Gathercole has been unable to attend a meeting of the Council since 17 December 2019.

It is recommended that Councillor David Gathercole is exempted from attending a meeting of the Council or its Committees until 31 December 2020, or until he is able to do so, whichever is sooner.

Background information / context	<p>The law (Local Government Act 1972) requires that where a Council is unable to attend a meeting of the Council or its committees for six consecutive months then, subject to certain exemptions, they cease to be a member of the Council unless the failure was due to some reason approved before the expiry period.</p> <p>The approval to exempt a member from this "6 month rule" lasts until the period of exemption applies, or the Councillor attends a meeting, or their term of office ends (whichever is sooner)</p>
Reasons as to why this decision is being taken urgently	<p>If the Council were meeting, then either Councillor Gathercole could attend the meeting, or the Council could award him an exemption.</p> <p>However, it is impracticable for the Council to meet before Councillor Gathercole's 6 month period expires in June.</p>

APPENDIX A

	In lieu of the Council being able to determine this matter, an urgent decision is being made.
If not stated above, alternative options that have been considered	<p>If an urgent decision was not made, then Councillor Gathercole may cease to be a Councillor in June 2020. The Council is unable to hold by-elections at this time which could lead to the community being underrepresented at this important time.</p> <p>The Council has the lawful ability to meet virtually to make this decision, however the Council is still developing its approach to virtual meeting and as yet, a meeting of the whole Council has not taken place through this route.</p>
<p>Other information considered, including any implications (legal / financial / personnel / data processing / equalities / community impact)</p> <p>Where necessary please refer to attachments / appendices</p>	None
Parties consulted before the decision has been taken and any representation received	<p>Minority Group Leaders, Cllr Ian Shipp was contacted on 22 May 2020, and Cllr Diane Hind on 26 May 2020 and both agreed with this approach. The Leader of the Council also confirmed his support for this course of action.</p> <p>Cllr Shipp to speak with Cllr Gathercole directly as a member of the Group.</p>
Confirmation of any conflicts of interests identified by consultees and whether the Chief Executive is satisfied that such conflicts are acceptable	
Decision Authorised by the Chief Executive	
Date	26.5.2020

APPENDIX A

Conflicts of interest declared by executive members consulted, including whether the Chief Executive has authorised councillors with conflicts to continue to act	
Decision	As outlined in 'decision taken' section of this form above
Signature and date: 26.5.2020 	