



MEETING PAPER

Subject: Councillor Absence

Meeting: Full Council

Date: 28/3/2022

Officer: Town Clerk

NOT CONFIDENTIAL

Recommendations/Decision

To adopt the below as the Council's policy and procedure on councillor absence.

Details

Councillor Absence

1. General

1.1 A Councillor who is absent from all meetings of the Council, any committees of which they are a member, and any body attended as the Council's representative, for a period of six months automatically ceases to be a member of the Council. This shall not apply if, before the expiry of the six months, Council approves the reason for absence for a particular meeting or for a leave of absence (section 85 Local Government Act 1972).

1.2 Whilst the office will make every effort to monitor attendance and forewarn any councillors who may be nearing the expiry of the six month period, the responsibility for ensuring that they comply with the requirements of section 85 is that of the individual councillor.

1.3 Section 85 relates to meetings of Council, committees and sub-committees. It does not apply to working parties or task or policy groups and so attendance at those meetings is not sufficient for the purposes of section 85. Neither does attendance as an observer at a meeting of a committee of which the councillor is not a member count, even if invited to speak by the Chair.

1.4 A councillor who is represented at a committee meeting by a substitute is regarded as being absent from that meeting.

1.5 A councillor who attends a meeting as the appointed substitute for another councillor is a member of the committee for that particular meeting and this is therefore sufficient for the purposes of section 85.

1.6 Relevant absence due to service in HM Forces (including Territorial or reserve duties) will normally be disregarded for the purposes of section 85.

2. Procedure

2.1 Councillors should make every effort to attend Full Council and all meetings of which they are a member. Where this is not possible, they should submit their apologies to the Clerk in advance. In the case of committees and bodies attended as the Council's representative, where substitute arrangements apply, they should also arrange for a substitute member to attend as substitute wherever possible.

2.2 Councillors who provide their apologies with good reasons for non-attendance at any meetings, have the best chance of having their apologies accepted. The six months period restarts when apologies are accepted.

2.3 If a councillor considers their absence might be for 6 months or more, they should seek formal approval of this from Full Council in plenty of time to enable consideration before expiry of the 6 months. To progress this request for approval provide:

- The reason for absence;
- The anticipated period of absence;
- Whether the councillor will be available for any Council business e.g. continuing to attend working groups or answering emails; and
- Any arrangements made to cover any of the councillor's business e.g. substitute member attending a Committee

2.4 Whilst the office will make every effort to ensure consideration of an approval for absence is on the relevant Full Council agenda (after 4 months of unapproved absence), the responsibility for ensuring that they comply with the requirements of section 85 is that of the individual councillor who should request a related agenda item and provide relevant information.

3. Full Council consideration

3.1 Sensitive personal information about absences (including the nature of an illness or unavailability owing to holidays) will not be considered in public and is on a need-to-know basis.

3.2 Council may delegate to the Clerk, consideration approval of apologies and leaves of absence. However, where no such delegation exists, Council reserves the right to request information from the Clerk about any reasons given for an apology for an individual meeting and will always request any reasons where there is a request for approval for a leave of absence for six months or more. Nothing will require the Clerk to provide unwarranted, detailed sensitive information.

3.3 Requests for approval of a leave of absence from future meetings will be considered on its own merits having regard to:

- The reasons for the proposed absence;
- The degree to which the absence is unavoidable;
- The duration of the proposed absence;
- The impact of their absence and any provision for cover of their business; and
- The degree to which they will be conducting business outside of meetings;

3.4 Approval will normally be granted in cases of:

- Serious illness for periods up to 12 months in total; and
- Pregnancy (their own or their partner's, for the same period as per Council employee maternity/paternity leave rights)

3.5 A leave of absence may be granted for such period as the Council thinks is reasonable in all the circumstances. Once that leave of absence expires, the clock re-starts as far as section 85 is concerned and the councillor has a further six months in which to attend a meeting (or seek a further leave of absence).