

MEMBER ABSENCE AND APOLOGIES POLICY

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Monitoring Review	Every 4 Years	Review date	February 2028

1. INTRODUCTION

- 1.1 Councillors are elected to represent the interest of the whole of Frodsham and those of their ward. In order to fulfill this role, it is expected that all councillors will make a full contribution to the work of the Council throughout their term of office.
- 1.2 This will include:
- attendance at meetings of the Council
 - attendance at meetings of committees and working parties to which they may be appointed
 - responding to correspondence from officers on Council matters
- 1.3 All councillors will hopefully have satisfied themselves before standing for election/co-option that they are able to commit the necessary time to fulfilling this important and rewarding role within the community. Any councillor who, whether through change of circumstances or otherwise, finds they are no longer able to give sufficient time to the role should in the first instance consult the Town Clerk to discuss what further support, or options may be available but may ultimately have to consider whether, in the interests of their electorate, it is appropriate for them to continue as a councillor.
- 1.4 Elected/co-opted Members are expected to attend meetings that they have been assigned as part of their role. However, there will be occasions when they are unable to attend for a variety of reasons. To ensure that the record is accurate this policy sets out the procedure the Council will follow for Member's absence from Council meetings and submission of apologies.

2. NON-ATTENDANCE AT MEETINGS

- 2.1 Being a councillor is about much more than just attending meetings; the role as a community leader is equally important but it is at meetings of the Council and its committees where issues are debated, and formal decisions are made.
- 2.2 Councillors should make effort to attend all meetings of which they are a member but where this is not possible they should submit their apologies to the Town Clerk in advance of the meeting and by 4pm on the day of the meeting. A Councillor who is absent from all meetings of the Council and any committees of which they are a member for a period of six months automatically ceases to be a member of the Council unless they have been given leave of absence by the Council before the expiry of that six-month period – s.85 (1) Local Government Act 1972
- 2.3 Whilst the Town Clerk 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 s.85 is that of the individual councillor.

2.4 There are some specific points and exceptions to note:

- a. s.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 the s.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 Chairperson.
- b. Absence due to service in HM Forces (including Territorial or reserve duties) will normally be disregarded for the purposes of s.85.¹

3. LEGISLATION

- 3.1 Section 85. of the Local Government Act 1972 states; "... if a member of a local authority fails throughout a period of six consecutive months from the date of his last attendance to attend any meeting of the authority, he shall, unless the failure was due to some reason approved by the authority before the expiry of that period, cease to be a member of the authority."
- 3.2 If a councillor is unable to attend a meeting of full council or a committee or sub-committee that they are a member they are required to give notice of this to the Town Clerk. If a Councillor is not present at a meeting that they have been summoned to attend, their absence will be confirmed in the minutes of the meeting.
- 3.3 Where a council is considering reason for absence, some reason of explanation must be known to it and this must be approved by affirmative resolution at the earliest possible moment before the end of the six months.² If at that moment the council fails to consider the question, the office falls vacant without further ado, and the vacancy must be declared and filled in the proper manner.
- 3.4 There is nothing to prevent a local council from approving a reason for absence in advance.
- 3.5 The Council should resolve and vote on the approval of absence, the receiving and noting of apologies is not Council approval of absence.

¹ Local Government Act 1972, s.85(3)

² Arnold Baker on Local Council Administration Ed. 11 Sc 7.15

4. PROCEDURE FOR MEMBER ABSENCE AND APOLOGIES

- 4.1 The name of members present at the meeting will be recorded³ and this record will form part of the minutes of each meeting. The name of members absent will be recorded and will form part of the minutes.
- 4.2 If a Member cannot attend an upcoming meeting they must send their apologies to the Town Clerk with a supporting reason by 4pm on the day of the meeting. These apologies will be reported to the meeting and recorded in the minutes. Apologies must not be passed to the meeting via another Councillor.
- 4.3 A councillor can request formal approval for a period of leave of absence;
- 4.3.1 Any councillor whose absence from meetings is likely to extend to six months or more should request a leave of absence by writing to the Town Clerk stating:
- the reasons for the absence
 - the anticipated period of absence
 - whether the councillor will be available to continue performing any Council functions during this period e.g. continuing to deal with ward matters by telephone or email
 - Requests will normally be considered by full Council and should therefore be made in sufficient time, having regard to the programme of meetings, to allow this to happen before the period of six months expires.
- 4.4 Granting leave of absence;
- 4.4.1 Each request for a leave of absence will be considered on its own merits having regard to:
- the reasons for the proposed absence, from future meetings, and the extent to which this is unavoidable;
 - the duration of the proposed absence;
 - the extent to which the member will be able to continue carrying out any functions of a councillor notwithstanding their absence from meetings;
 - the suitability of any alternative arrangements that are proposed for ensuring that a Councillor's duties continue to be fulfilled (e.g. representation on an outside body)
- 4.4.2 Requests for leave of absence will normally be granted in cases of:
- serious illness for periods up to 12 months in total
 - maternal/paternal/adoptive/parental (for the equivalent period during which an employee of the Council would normally be entitled to leave)
- 4.4.3 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 so far as s.85 is concerned and the councillor has a further six months in which to attend a meeting (or seek a further leave of absence).

³ Local Government Act 1972, Sch 12, para 40