

Sedlescombe Parish Council

Member Absence and Apologies

Policy

This policy and guidance document is designed to promote efficient administration of meetings, avoid meetings being inquorate and permit timely rescheduling of meetings if required. It also highlights accountability for Members.

Background.

Councillors are elected to represent their residents in Sedlescombe. In order to fulfil this role it is expected that all councillors will make a full contribution to the work of the council for the term of their office.

This will include:

- attendance at meetings of the Council
- attendance at meetings of committees and working parties to which they may be appointed
- being available to deal with queries, complaints and requests for assistance from residents and businesses in their ward in person, by telephone, correspondence and email as appropriate
- responding to correspondence from officers on Council matters

All councillors will hopefully have satisfied themselves before standing for election that they are able to commit the necessary time to fulfilling this important and rewarding role within the community.

Non Attendance at Meetings.

Elected 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.

A parish council is a body corporate (an 'it') in law, decisions are the responsibility of the council as a whole. No individual councillor, including the chair, has any power or responsibility. A councillor must be at a meeting to vote on a proposal or decision, there is no ability to 'vote by proxy'.

Elected Members have a duty to attend council meetings that they have been assigned as part of their role in accordance with The Local Government Act 1972 (LGA) sch 12 s10(a)(b) and are summoned to do so. Sedlescombe Parish council recognises that there will be occasions when members are unable to attend and require a leave of absence. 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.

LGA S 85 states

- (1) Subject to subsections (2) and (3), 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.

- (2) Attendance as a member at a meeting of any committee or sub-committee of the authority, or at a meeting of any joint committee, joint board or other body by whom for the time being any of the functions of the authority are being discharged, or who were appointed to advise the authority on any matter relating to the discharge of their functions, and attendance as representative of the authority at a meeting of any body of persons, shall be deemed for the purposes of subsection (1) above to be attendance at a meeting of the authority.

N.b s85 relates to meetings of the council, committees and their sub committees. It does not apply to working groups or task or policy groups. Attendance as an observer at a meeting which the councillor is not appointed does not count, even if invited to speak by the chair.

S85(3) the six-month rule is not activated should the Councillor be a member of His Majesty's armed forces or a person whose employment is in the service of His Majesty and in connection with war or an emergency.

The interpretation of the rules hinges on whether or not the absence was approved, the minutes need to be clear and specific, e.g, If no reason for absence is given then the council cannot approve the absence since it has no reason upon which to make that judgement.

A councillor does not have to seek the formal approval of the meeting for their absence, but a meeting can only approve the absence of a councillor from a meeting if they have requested this in writing and given the reason for their absence.

Protocol To be adopted.

Members shall give as much advance notice as possible of absence from a meeting although this does not have to be in writing it is good practice to mention future absence at a previous meeting, send an email to or telephone the Clerk.

Apologies with a reason should be submitted in writing (email, text, whatsapp) or by telephone to the Proper Officer no later than 2 hours before the start time of the meeting indicating the reason for absence. Apologies passed via another councillor in the meeting will be acknowledged but not approved as absent.

If a councillor sends apologies but gives no reason, then these apologies will be recorded in the minutes as received but cannot be recorded as accepted. This would mean the 6-month rule clock starts ticking.

If a councillor sends apologies and gives a reason this is recorded in the minutes as being received, the council can then resolve to accept the apologies. This prevents the 6-month rule clock from starting to tick.

If no apologies are given the councillor will be recorded as absent. This also means the 6-month rule clock starts ticking.

Whilst the 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.

Types of apologies that can be recorded.

Apologies due to council business - a clash with council meeting and an external meeting.

Apologies due to Members own employment.

Apologies due to ill health – including appointments.

Apologies due to Maternity, Paternity, Adoptive or parental leave.

Apologies due to caring responsibilities.

Apologies due to community/parish council duties.

Granting a leave of absence.

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).

Should an extended leave of absence be required, Members are expected to submit a written application to the Proper Officer requesting such leave, detailing the reason and duration for the absence for council to consider.

With the exception of a Member serving the Crown, an extended leave of absence may only be granted in certain circumstances which are deemed to be outside of the Member’s control, e.g. prolonged ill health. It cannot be granted due to a Member merely requiring a sabbatical from their duties.

Recording and Publishing of Member Attendance

In accordance with LGA 1972 sch.12 para. 40, all Members present at the meeting must be recorded in the minute record for every meeting, which also prevents the six-month rule from being activated.

The minute record will be restricted to confirming the Member absence only, in line with GDPR, and clearly stating that the reason for absence was accepted and approved by council.

If a member is absent with no apologies the absence will be recorded as ‘There were no apologies or reasons for absence for cllr ...’

If apologies are received but do not give a reason this will be recorded in the minutes as ‘Apologies received for cllr... but not accepted’

It is the cllrs responsibility to ensure that they do not become disqualified.

Adopted	Reviewed	Next Review
March 2025		March 2027