

# MEMBER ABSENCE AND APOLOGIES POLICY

Reference	SNTC/AD002	Adopted by	Town Council
Prepared by	Town Clerk	Adopted date	25 <sup>th</sup> April 2023
Monitored by	Town Clerk	Minute reference	TC-170-22/23
Monitoring Review	Every 4 Years	Review date	April 2027

## 1. INTRODUCTION

- 1.1 Councillors are elected to represent the interest of the whole of St Neots 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
  - 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
- 1.3 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. 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 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 or Deputy Town Clerk in advance of the meeting.

- 2.3 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
- 2.4 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.
- 2.5 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.<sup>1</sup>

### 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 of it is good practice 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 A councillor does not have to seek the formal approval of the meeting for their absence. 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.
- 3.4 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.<sup>2</sup> 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.
- 3.5 There is nothing to prevent a local council from approving a reason for absence in advance.
- 3.6 The Council should resolve and vote on the approval of absence, the receiving and noting of apologies is not Council approval of absence.

---

<sup>1</sup> Local Government Act 1972, s.85(3)

<sup>2</sup> 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 recorded<sup>3</sup> 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 it is best practice to send their apologies to the Town Clerk/Deputy Town Clerk with a supporting reason. These apologies will be reported to the meeting and recorded in the minutes as “Received and Noted”. Minutes will not include reasons provided to support an apology. 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/Deputy 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.
- 4.3.2 There are 8 types of apologies that can be recorded as follows;

TYPE	COMMENTS
Apologies	General category – Members are not expected to confirm their reason for absence unless they wish to.
Apologies due to Council Business	Where clashes with Council meetings and external meetings occur.
Apologies due to Members own Employment	Where the Member’s employment prohibits attendance at that meeting.
Apologies due to Ill Health	Where the Member is unable to attend due to ill health (including hospital appointments)
Apologies due to Maternity, Paternity, Adoptive or Parental Leave	Where the Member is on maternity, paternity, adoptive or parental leave.
Apologies due to Caring Responsibilities	Where the Member has caring responsibilities that prevent their attendance.
Apologies due to Community and Town Council Duties	Where a Member is unable to attend due to Community/Town Council duties.
Absence without notification	Where an apology is not received then the Member will be listed as absent, and this will show in the attendance record.

<sup>3</sup> Local Government Act 1972, Sch 12, para 40

#### 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:

- a. the reasons for the proposed absence, from future meetings, and the extent to which this is unavoidable;
- b. the duration of the proposed absence;
- c. the extent to which the member will be able to continue carrying out any functions of a councillor notwithstanding their absence from meetings;
- d. the suitability of any alternative arrangements that are proposed for ensuring that a Councillor's duties continue to be fulfilled (e.g Covering representation on an outside body)

4.4.2 Requests for leave of absence will normally be granted in cases of:

- a. serious illness for periods up to 12 months in total
- b. 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)

either 'apologies passed via another councillor in the meeting will be acknowledged but recorded in the minutes as 'Absent without Notification' or 'must not be passed...' depending on how your advice views this point.