

# **PART 5 – Councillors - Leave of Absence from Council Meetings**

## **Introduction**

1. Councillors are elected to represent the interest of the whole District and those of their ward in particular. 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. 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 consultations from officers on matters such as planning applications
2. 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 their group leader and/or the Monitoring Officer to discuss what further support 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.

## **Non-attendance at meetings**

3. 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.
4. Councillors should make every effort to attend all meetings of which they are a member but where this is not possible they should submit their apologies to Democratic Services in advance, inform their group leader and in the case of committees to which the procedure for substitute members apply, arrange for another member to attend as substitute wherever possible.
5. **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 Local Government Act 1972**

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6. Whilst Democratic Services 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.
7. There are some specific points and exceptions to note:
  - 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 Chairman.
  - A councillor who is represented at a committee meeting by a substitute is regarded as being absent from that meeting.
  - 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 s.85
  - Where a councillor has been suspended from office (e.g. following a breach of the code of conduct) the period of suspension is disregarded for the purposes of calculating the six month period of absence
  - Absence due to service in HM Forces (including Territorial or reserve duties) will normally be disregarded for the purposes of s.85

### **Requests for leave of absence**

8. 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 Monitoring Officer 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
  - what arrangements (if any) have been made to cover for the councillor's absence e.g. a fellow or neighbouring ward councillor representing the interests of their ward
9. 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. Only in the most exceptional circumstances will a request for a leave of absence be considered under the Council's 'urgent business procedure'.

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### **Granting leave of absence**

**10.** 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 the interests of the ward are adequately represented.

**11.** Requests for leave of absence will normally be granted in cases of:

- serious illness for periods up to 12 months in total;
- pregnancy (for the equivalent period during which an employee of the Council would normally be entitled to maternity leave).

**12.** 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).

**13.** A councillor granted a leave of absence from meetings is still entitled to payment of the basic allowance. However, where it considers it appropriate, the Council may request the councillor to voluntarily waive their entitlement to all or part of that allowance depending upon the degree to which the councillor will be unable to carry out their normal duties.

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