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Report To: Full Council Date: 30 October 2023

Contact Officer: Paula Harrison

Subject: Standing Orders – Recording of  
Absence as requested by Cllr Ali

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## 1. Background

- 1.1 Section 85 of the Local Government Act 1972. : “85.— Vacation of office by failure to attend meetings. (1) ..., 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.”
- 1.2 The legislation means that if a councillor does not attend a meeting then the council members present for that meeting should resolve whether or not to approve the absence. If the Committee approves the absence, the “six-month clock” does not start. If it does not approve the absence the clock starts ticking. If the clock gets to six months the councillor’s membership of the Council is automatically expired.
- 1.3 The interpretation of the rules hinges on whether or not the absence was approved, therefore, the minutes need to be clear and specific, e.g, If no reason for absence is given (directly or via another councillor) then the council cannot approve the absence since it has no reason upon which to make that judgement. Councillors are not specifically required to give a reason for absence, but if no reason is given then the absence cannot be automatically approved.
- 1.4 From its inception in 2017, West Swindon Parish Council recorded absences in the Minutes and approved any apologies submitted to the Committee meeting. This meant that providing a Councillor submitted their apologies with an explanation, and those apologies were approved, this absence would not be counted within the six month rule.
- 1.5 Following the pandemic and a number of prolonged absences, West Swindon Parish Council amended its Standing Orders to introduce a change in the recording of apologies. The following amendment was added:

Councillors must attend a meeting in person or virtually within any six month consecutive period or they cease to be a member of the authority. Apologies for Absence will not be a Standing Item on all agendas and apologies will not be approved. P.8. y.

This change meant that any Councillor absent from meetings, consecutively over a six month period, would forfeit their seat. The only exception would be where a Councillor had requested that a dispensation for absence to be approved.

## **2. Review of Absence Recording**

- 2.1 West Swindon Parish Council can review and amend its position on the recording of apologies through an amendment to its Standing Orders.
- 2.2 The Local Government Act 1972 predates online communication and the advent of virtual attendance. Following the return to in person attendance at meetings, the Parish Council currently offers online/virtual participation to meetings held at the Parish Offices and in person attendance when holding meetings off site. The Local Government Act 1972 predates online communication and the advent of virtual attendance. However, given that a Councillor attending virtually is able to listen to an Committee debate, answer questions and be accountable to those present, it is recommended that a Councillors attendance online should be approved as an attendance and not recorded as an absence. Voting restrictions will still apply.
- 2.3 If Parish Councillors are minded to return to recording apologies, a new protocol could be adopted.

## **3. Protocol to be adopted:**

- If no apologies are received (The 6-month rule clock starts ticking)
- If a councillor sends apologies but gives no reason, these are recorded in the minutes as “apologies being received” but are not recorded as being approved. (The 6-month rule clock starts ticking)
- If a councillor duly sends apologies in advance directly or via another Councillor in attendance, and gives a reason, this is recorded in the minutes as being received, the council then decide whether to accept the apology (If accepted, the 6- month rule clock does not start ticking)
- If a councillor e-mails or leaves a voice mail with a time stamp 20 minutes or less before the commencement of the parish council meeting and this isn't presented on their behalf due to the late timing, then apologies cannot be accepted or recorded retrospectively as being received. (The 6-month rule clock starts ticking)
- the six month clock can be reset by the councillor attending a council meeting virtually or in person or by the council approving a future absence

## **4. Recommendations**

That Council considers and determines any changes to its Standing Orders and instructs the Parish Manager accordingly.

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