

Raglan Community Council

Six month rule on attendance of meetings

Adopted in May 2017

The Six Month Rule the Local Government Act 1972 says (insofar as is relevant to Community Councils)

If a member of the Community Council fails throughout a period of six consecutive months from the date of his last attendance to attend any meeting of the Community Council, he shall, unless the failure was due to some reason approved by the Council before the expiry of that period, cease to be a member of the Community Council.

The effect of this provision is that a member automatically ceases to hold office as soon as the six month period expires if that member's Council has not formally approved the Councillor's absence before that date. This means that before the six month period runs out the Council will:

Need to know the reason for the absence.

and

The Council must decide (by a resolution) whether or not it approves the reason given for that Councillor's absence.

It is not sufficient simply to 'note apologies'. 'Noting apologies' tells the Council nothing as to whether or not the members of the Council accepted and approved the reason given for the absence, or, indeed, whether any reason was given at all.

Approval may be given by the Council to an absence in advance; for example, where a member is intending to work abroad for an extended period. What if the absent member is unable to send his or her apologies (perhaps because the Councillor is seriously ill in hospital)? If the Council know the reason and choose to approve the absence, they can do so. In reaching a decision, the Council may want to consider how likely it is that the Councillor will be able to return within a reasonable period of time and whether the delay will be such that the interests of democracy would be better served by allowing the office to be vacated and seeking to fill the vacant seat with someone else.

The responsibility for ensuring that a member of Council does not vacate his or her office through continuous failure to attend meetings rests entirely with the individual Councillor and no-one else. The clerk will, keep a note on any situation where a member of his or her Council is in danger of losing office through absence from meetings without the

Council's formal approval. The clerk will draw the implications to the member's attention before the six months period has expired.

Under s85 (2) on the Six Month Rule

'Attendance at a meeting of the Council' can be attendance at a meeting other than a meeting of the full Council. Sub-section 85(2) says:

"Attendance as a member at a meeting of any committee or sub-committee of the Council, 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 Council are being discharged, or who were appointed to advise the Council on any matter relating to the discharge of their functions, and attendance as representative of the Council 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 Council."

A member who has missed full Council meetings of his or her own Community Council, will not fall foul of the six month rule before the deadline he or she has attended one of these other specified types of meeting in a formal capacity (as a member of the committee etc, or in his or her role as a Councillor, or as the Council's representative).

Special Provision for Serving Members of the Armed Forces etc there is special provision for the six month rule to be disciplined in the case of a member of the Armed Forces on active duty, if the failure to attend meetings is due to that employment.

Non-Attendance whilst suspended if a member of a Community Council is suspended or partially suspended for a breach of the Code of Conduct for Members, the period during which he or she is suspended or partially suspended shall be disregarded for the purpose of calculating the six months. A period during which a member fails to attend meetings of the Council that falls immediately before, and another such period that falls immediately after, a period of suspension or partial suspension shall be treated as consecutive.

Non-Attendance whilst exercising a family absence right similarly, any period during which a member of a Community Council is exercising a right to 'family absence' for members under Part 2 of the Local Government (Wales) Measure 2011 is to be disregarded. But, the period during which a member fails to attend meetings of the Council that falls immediately before the 'family absence' and the period that falls immediately after it are to be treated as consecutive.