

	REPORT TO CABINET TO BE HELD ON 14 FEBRUARY 2017				
	<table> <tr> <td>Key Decision</td> <td>NO</td> </tr> <tr> <td>Forward Plan Ref No</td> <td>26A</td> </tr> </table>	Key Decision	NO	Forward Plan Ref No	26A
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Corporate Priority – Council	<table> <tr> <td>Cabinet Portfolio Holder</td> <td>Cllr Sandra Turner</td> </tr> </table>	Cabinet Portfolio Holder	Cllr Sandra Turner		
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REPORT OF: Director (LD) – 17/27

WARDS AFFECTED: All

SUBJECT: PROTOCOL FOR MANAGING COUNCILLOR AND CO-OPTED MEMBER ABSENCES

RECOMMENDATION:

The Cabinet to recommend to the Council to:

- (i) Adopt the Protocol for Managing Councillor and Co-opted Member Absences outlined in paragraph 5.3 of the report; and
- (ii) Delegate authority to the Monitoring Officer to make the necessary changes to the Constitution consistent with the adoption of this Protocol.

REASON FOR RECOMMENDATION:

- To provide greater clarity and consistency in the management of councillor and co-opted member absences
- To fill a gap in Council procedures

HIGHLIGHTED RISKS:

See attached risk matrix.

1. INTRODUCTION

- 1.1 Section 85 (1) of the Local Government Act 1972 provides that where a Council member fails throughout a period of six consecutive months from the date of his/her last attendance to attend any meeting of the authority then, subject to certain exceptions, s/he ceases to be a member of the authority. This disqualification can be prevented if the non-attendance is due to some reason approved by the Council before the expiry of that period.
- 1.2 Attendance is generously defined and as rule of thumb would apply to any meeting of the authority specified as an approved duty for the purposes of the payment of travel allowances.

2. CORPORATE AIMS/PRIORITIES AND THE CORPORATE PLAN

- 2.1 Contributes to the key aim of **Council** – to be an efficient and effective council which is financially sustainable for the future.

3. CONSULTATION

- 3.1 The cross-party Governance Working Group has been consulted on and supports these proposals.

4. BACKGROUND AND ISSUES

- 4.1 *Knowles on Local Authority Meetings* highlights a range of practical questions which need to be addressed in putting the provisions of Section 85 (1) of the Local Government Act 1972 into practice: is it an officer's duty to alert a councillor to risk of forfeiture of office because of failure to attend meetings? The councillor may be grateful for this advice or the councillor may take offence at the assumption that s/he is going to default. And at what point should the matter be reported to Council? And by what process? Is the councillor asked to provide a reason so the Council can then make a judgement on whether to approve it or not? Is there a danger that this process could be politicised unnecessarily? It is these uncertainties that prompt *Knowles* to suggest a code of practice or protocol which can be adopted by the Council and put into effect automatically.

5. ASSESSMENT

- 5.1 Currently, the Council Constitution is silent on these statutory provisions. Moreover, some local authorities have gone further and extended this obligation to their co-opted members. In the case of the latter, the six month requirement would naturally apply only to the committee or advisory group to

which they have been appointed, and not to the Council's committee meetings in general.

5.2 Therefore a local protocol for both councillors and co-opted members would provide greater clarity, consistency, and equity in treatment of both types of committee members, and, most importantly, would fill this gap in the Council's procedures.

5.3 The proposed Protocol would be characterised by a series of steps which are set out below:

1. Democratic Services officers are automatically alerted if a councillor has failed to attend a local authority meeting for four consecutive months.
2. At this point, the Democratic Services officer emails the councillor and their Group Leader, explaining the situation and outlining the remaining authority meetings available to the councillor to avoid disqualification. The councillor is asked if there is a risk that s/he will fail to attend all of these remaining available meetings, and that being so, if s/he would like to submit an application for extended absence giving the proposed duration of the extension (in months) and reasons.
3. Rather than submit the application for extended absence in the form of a report to full Council which may occasion further delays because of the timing of Council meetings, authority is delegated to the Monitoring Officer to determine the application in consultation with the two Independent Persons. This would require an amendment to the Officer Scheme of Delegation in the Constitution.
4. A similar process is followed for co-opted members who have failed to attend the committee or advisory group to which they have been appointed, provided the advisory group or committee has met during the period in question.

6. IMPLICATIONS

6.1 Policy

The adoption of this Protocol will require the Constitution to be amended.

6.2 Legal

As referred to above, the relevant legislation is Section 85 (1) of the Local Government Act 1972.

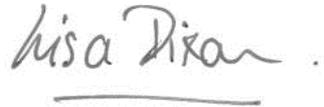
6.3 Financial

No financial implications.

6.4 Equalities and Diversity

Adoption of this Protocol will if appropriate enable protected characteristics to be considered when determining applications for extended absence.

6.5 **Planning, Environmental, Health and Safety, Sustainability, Crime and Disorder**
No implications

A handwritten signature in cursive script that reads "Lisa Dixon". The signature is written in dark ink and is positioned above a thin horizontal line.

Lisa Dixon
Director

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Background Papers:

Upton, D. (2014), *Knowles on Local Authority Meetings: A Manual of Law and Practice*. Seventh Edition. London: ICSA Publishing

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS, PLEASE CONTACT THE AUTHOR

Risk Matrix

Risk Ref	Date	Risk	Consequences	Mitigation	Current Risk Score	Target Score	Service Unit Manager/ Responsible Officer	Action Plan
1	February 2017	Failure to manage councillor and co-opted member absences sensitively and fairly	Avoidable loss of councillors and co-opted members Damage to the Council's reputation	New Protocol	B3	A2	St John Harris	None

Glossary of Terms

Risk	An event which may prevent the Council achieving its objectives
Consequences	The outcome if the risk materialised
Mitigation	The processes and procedures that are in place to reduce the risk
Current Risk Score	The likelihood and impact score with the current mitigation measures in place
Corporate Objectives	An assessment of the Corporate Objectives that are affected by the risk identified.
Target Risk Score	The likelihood and impact score that the Council is aiming to achieve
Service Unit Manager	The Service Unit or Officer responsible for managing the risk
Action Plan	The proposed actions to be implemented in order to reduce the risk to the target score

Risk Scoring

Impact	5					
	4					
	3					
	2					
	1					
		A	B	C	D	E
	Likelihood					

Likelihood:

A = Very Low
 B = Not Likely
 C = Likely
 D = Very Likely
 E = Almost Certain

Impact

1 = Low
 2 = Minor
 3 = Medium
 4 = Major
 5 = Disaster