

Draft Procedure/Policy for dealing with apologies at future meetings

Taken from Legal Topic Notice 5 – June 2015

Paragraphs 28-30 – Quorum and Attendance

The names of those councillors present at a meeting of the council must be recorded and included in the minutes of the meeting (paragraph 40 of schedule 12 to the 1972 Act). For ease of reference, the minutes should also record the names of those councillors who are absent from the meeting.

If a councillor wants his absence from a meeting to be approved by the council, he should submit his written request together with the reason for absence before the meeting takes place. A councillor cannot continue in office if he fails to attend a meeting of the council, a committee, sub committee (or joint committee, joint board or similar body by which any of the council's functions are being discharged or which are advising the council about the discharge of its functions) for a period of six consecutive months and the reason for his absence has not been formally approved before the expiry of the six month period (s85(1) of the 1972 Act). Approval cannot be retrospective. See also Legal Topic Note 8 (Elections).

The Minutes of the meeting must record if it resolved to approve a councillor's absence from the meeting, and if possible, the councillor's reason for absence. The recording of such information must not conflict with a council's duty to handle personal data or sensitive personal data in accordance with its obligations under the Data Protection Act 1998. For example if a councillor's absence at meetings was due to ill health, the minute of the meeting may document this simple fact but not the detail of his ill health without his permission. This is because the information relating to a person's physical or mental health constitutes sensitive personal data. Further guidance on a council's obligations under the Data Protection Act 1998 is given in Legal Topic Note 38 (Data Protection).

Councillors will be summonsed to attend future attendance

Apologies for absence need to be by email to the clerk (bnparishclerk@googlemail.com) by 12 noon the day prior to the meeting or if unforeseen by text to 07857 020667 by 1700 hours the day of the meeting.