

# Briefing Note

## Attending council meetings FAQs

3 minute read

### 1.0 Are parish councillors compelled to attend public meetings?

Once a councillor has formally accepted their position following an election (contested or not) or co-option by signing their Declaration of Acceptance of Office ('I take that office upon myself, and will duly and faithfully fulfil the duties') they are **obliged** to comply with the council's own Standing Orders for attendance at public meetings (and Good Councillors Guide 2024 p52).

1.1 Meeting the qualifications for becoming a parish councillor remain with the councillor irrespective of a change in their circumstances (see the council's website for details <https://tinyurl.com/3endz9yn>)

### 2.0 So is 'obliged' a legal requirement?

Yes. The Local Government Act 1972 outlines the general framework for local councils, including the requirement for councillors **to attend all meetings**.

### 3.0 There must be exceptions to this rule?

Legally there are no exceptions, but in practical terms, there will always be reasons why a councillor cannot attend. The Good Councillors Guide (p68) sets out that *It is not unreasonable for a council to consider that a darts or football match is not an adequate reason for not attending and not grant an extended absence, **whereas illness or work commitments are acceptable reasons.***

### 4.0 How does a councillor give notice that they are unable to attend?

The Good Councillors Guide 2024 (p67) explains: *Councillors have a duty to attend the meetings they are summoned to, but sometimes things crop up and it is not possible. In this case, councillors should **contact the clerk with an apology**. These apologies are usually noted in the minutes.*

It is good practice to inform the Clerk or the Chair in advance of the meeting – but recognising that sudden emergencies might make this impossible.

### 5.0 What if no apologies are sent?

The Good Councillors Guide 2024 (p67) *'if no apology is offered it is recorded in the minutes as an absence. Some clerks post the record of councillor attendance at meetings on the council website, and note whether an apology was offered or it was an absence (which is considered bad form), so that electors are aware.*

The Clerk's Office keeps a record of attendances but this is not currently in the public domain.

### 6.0 How do councillors manage 'apologies' when they are sent?

In practice, this council notes them as 'received' in the minutes. Some councils record that apologies are 'accepted' or 'agree to accept apologies'. There is no legal ruling on how this is managed, and no redress for a councillor if their apologies are not accepted.

### 7.0 Is unlimited absence acceptable?

The Local Government Act 1972 (s85) states that if a councillor fails to attend any meetings for six consecutive months, they may be disqualified from office unless the council approves their absence.

'Meetings' can include internal (working group) meetings as well as external (representing the council on other bodies) as much as public meetings. Councillors can agree to extend the period of absence as long as this is resolved **before the end** of the six month period<sup>1</sup>

#### **8.0 So what happens after six consecutive meetings of absence?**

If councillors do not agree to extend the period of absence, then the councillor loses their seat ('vacates their office'). The council's Casual Vacancy & Co-option Policy then applies.

#### **9.0 Why would councillors agree to an extended period of absence?**

Examples may include: absence due to long term sickness or other commitments but plans to return to service; active participation at distance to maintain their engagement if there is a planned return; the absent councillor has valuable knowledge or experience to bring.

#### **10.0 Why would councillors not agree to an extended period of absence?**

Examples may include: permanent change in the qualifications for becoming a parish councillor (but note 1.1 above); previous behaviour (but not sufficient to bring an action under the Code of Conduct <https://tinyurl.com/mr28swry>); desire to fill the vacancy in order to remain quorate; desire to fill the vacancy in order to better manage the business of the council.

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<sup>1</sup> Local Government Act 1972 s85(1)