



Llais Cynghorau Cymuned a Thref yng Nghymru
The Voice of Community and Town Councils in Wales

Practice Development Note 7

Attendance by Members: The 6-month rule

Date Issued August 2024

Review Date August 2025

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OVW Practice Development Note 7

Attendance by Members: The 6-month rule

A simple guide for Community and Town Councils

Action	Purpose	Timescale	At-a-glance timescale
1. Introduction: The six-month rule for attendance			
1.1 If a Member fails to attend a meeting during a six-month period, that member automatically ceases to be a member of the council, unless the failure was due to some reason approved by the council before the end of the six-month period.	Statutory requirement	A Member must attend at least one meeting every six months.	Within a six-month period.
1.2 This is quite a fixed rule, with little room to avoid its reach. As is often the case, the legislation can be hard to interpret. Hopefully, this note will help.	To ensure compliance.		Study the Guidance ASAP.

2. What constitutes a meeting?			
2.1 “Attendance at a meeting” includes Full Council or any committee or sub-committee.	Statutory requirement	Within a six-month period	A Member must attend at least one meeting every six months.
2.2 It also includes any joint committee, joint board, or other body by whom, for the time being any of the Council’s functions are being discharged. It includes a body appointed to advise the council on any matter relating to the discharge of its functions.			
2.3 Attendance as representative of the Council at a meeting of any body of persons also counts as “attendance.”			
2.4 Do “events” count? Remembrance Sunday, a carol service or summer fair? If they are official events organised or supported by the Council, then they			

may well count. A chat in the shops with a local resident would not.			
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3. Exemptions			
<p>3.1 Membership of the armed forces at a time of war is a statutory excuse. So is service under the Crown in connection with a war or emergency.</p> <p>It allows the Member relief from disqualification due to absence if the failure is due to that employment.</p>			

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4. Approving absences			

<p>4.1 If a councillor wants their absence from a meeting to be approved by the council, they should submit a written request together with the reason for absence before the meeting takes place.</p>	<p>Local Government Act 1972 s85.</p>	<p>This must be done before the meeting. It cannot be retrospective.</p>	<p>Before the meeting to which the absence relates.</p>
<p>4.2 The Council should resolve and vote on the approval of absence.</p>	<p>Local Government Act 1972 s85.</p>		
<p>4.3 If a Member is ill, the Council can approve the absence without a written request.</p>		<p>This will require the Clerk to be vigilant in monitoring attendance levels and in such cases the Clerk can include the matter on a Council agenda seeking approval of the absence on the part of the member.</p>	<p>Monitor attendance regularly.</p>

Action	Purpose	Timescale	At-a-glance timescale
<p>5. Apologies for absence</p>			

<p>5.1 Apologies need not be submitted in writing, but the reason should be minuted. However, if the absence is to be formally approved, then this must be by way of an affirmative resolution.</p>		<p>At the meeting</p>	<p>At the meeting</p>
<p>5.2 The Council should resolve and vote on the approval of absence. The receiving, acceptance and noting of apologies alone does <i>not</i> constitute formal Council approval of absence.</p>			

Action	Purpose	Timescale	At-a-glance timescale
6. If a Member breaches the rule			
6.1 If a member falls foul of the rule, then disqualification is immediate.		Immediate	Immediate
6.2 The Council should formally declare the vacancy at the earliest opportunity and notify the local Electoral Registration Officer, or equivalent, of the County (Borough) Council.		As soon as the vacancy arises	As soon as the vacancy arises
6.3 Notice of the vacancy will be published. This will usually be undertaken by the County (Borough) Council, though local arrangements may differ. An election will be called if requested by ten electors.		Notice published as soon as possible. Usual practice is for the Electoral Services Team to prepare the notice and request the Community Council to publish it locally.	Electors have 14 days to request an election.

<p>6.4 If no election is then requested, the vacancy can be filled by co-option.</p> <p>One Voice Wales will publish further guidance on this process, but in the meantime, Councils may also find this advice from the Vale of Glamorgan Council helpful (Part B)</p> <p>(Note: period of office is now five years not four.)</p>			<p>As soon as practicable.</p>
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Some key tips:

- Study the rules with care. Take advice if you are facing a complex situation.
- Take care over recording apologies for absence. Submitting an apology is not the same as requesting formal approval to be absent, which requires a formal resolution, as explained above. Absences must be *formally* approved if the six-month rule is to be avoided.
- The minutes of the meeting must record if it resolved to approve a Member's absence from the meeting, and if possible, the reason for absence. This must not conflict with the duty to handle personal data or sensitive personal data in accordance with data protection legislation. For example, if the absence was due to ill health, the minutes may record this but not the detail of his/her ill health. The length of absence approved is at the council's discretion.
- Don't cut corners. Attendance at events is important, but it is no substitute for participation in Council meetings and taking decisions. Participation in Council meetings is an important part of a Member's role as a democratically elected member of a statutory body. It is an area where they represent the community and advocate on its behalf.
- Make sure you have the following in place:
 - (i) Keep an accurate record of attendance. Members are summoned to attend Council meetings and should attend. Consider asking them to confirm that they will attend in advance.
 - (ii) Introduce an attendance sheet for Members to sign, to support the Clerk's notes. (This can also be used to record declarations of interest.)
 - (iii) Be especially vigilant to record any Members who participate remotely.
 - (iv) Check that the minutes record who was present. Try to avoid cut and pasting from last month's minutes, as it's easy to make a mistake.
 - (v) Record any members who were absent. This will help avoid doubt. (Your standing orders probably require this anyway.)
 - (vi) Establish your position on members who only attend for part of a meeting. Members who attend for part of a meeting can be regarded as having attended for the purpose of the six-month rule but consider recording if a Member arrives late or leaves early. This will also help in terms of any votes taken or declarations of interest.
 - (vii) Keep a log of which members attend which meetings etc to keep track of attendance.
 - (viii) If you have the resources, consider publication of attendance levels on-line, on your notice boards and/or in the Annual Report. This will improve accountability.
 - (ix) Remind members that it is *their* responsibility to attend regularly. The Clerk can help (see below) but it is a rule for members to adhere to.
 - (x) Think about whether you want the Clerk to remind any members who are coming up to the deadline that they need to attend. Make sure you apply this consistently and fairly though.