

[for addition to the Constitution]

## **PART C.8**

### **PROTOCOL ON THE ATENDANCE OF STATUTORY NON-COUNCILLOR MEMBERS**

#### **Background**

1. The Members Allowances Scheme (Part C.7 of this Constitution) provides for the payment of a “Co-optees’ Allowance”, currently £250 per annum, to the statutory non-Councillor members. These are defined in the Scheme as the 4 independent members of the Standards Committee and the 5 education representatives on the Overview and Scrutiny Committee (“OSC”). These 5 comprise 3 parent governor representatives and 2 Church representatives.
2. Legally, the “Co-optees’ Allowance” cannot be claimed for each meeting attended but must be paid on an annualised basis. Only if a member is removed or otherwise ceases to be qualified as a statutory non-Councillor member during the municipal year, can the “Co-optees’ Allowance” be reduced pro rata.

#### **Application of Protocol**

3. The 3 parent governor representatives are elected and hold office under the Parent Governor Representatives (England) Regulations 2001. If a parent governor representative fails to attend any meeting of an education scrutiny body for a continuous period of 6 months that representative automatically ceases to be qualified under the Regulations unless an apology for absence has previously been accepted. This rule is similar to the statutory rule applicable to Councillors and, therefore, there is no need for this Protocol to apply to parent governor representatives.
4. This Protocol applies only to the 2 Church representatives on OSC and the 4 independent members of the Standards Committee. None of these statutory non-Councillor members are subject to any statutory provisions disqualifying them from membership for non-attendance at meetings of the bodies to which they have been appointed.

### **Procedures on Non-Attendance of Members**

5. If a statutory non-Councillor member fails to attend any meeting of a Committee or Sub-Committee (including a Panel), to which that member has been appointed, for 2 consecutive meetings or a continuous period of 6 months (whichever shall be the longer period in the circumstances), then the Head of Members' Services shall send that member a warning letter.
6. The warning letter will request the member to attend the next meeting of the relevant Committee and offer, in person, an explanation for his/her past non-attendance. If the absent member has a serious health problem or some other sufficient reason for continued non-attendance, then that member may submit a written explanation for absence. This procedure will not apply where an apology has previously been sent and accepted by the relevant Committee.
7. The relevant Committee will consider the adequacy of the oral or written explanation offered by the member. The Committee will then decide whether or not to condone the past, and any future, non-attendance, by that member. These decisions are entirely a matter for the relevant Committee in the light of all the circumstances.
8. The Committee may decide to condone past or future non-attendance only for a defined period, or only subject to conditions.
9. If a member breaches a condition imposed under paragraph 8, then a further warning letter shall be sent by the Head of Members' Services and paragraphs 6, 7 and 8 will apply afresh with any appropriate modifications.

### **Church representatives**

10. The Church representatives are only expected to attend those meetings of OSC and its Sub-Committees/Panels which consider education matters and such meetings may be irregular. In reaching any decision whether or not to condone such a member's absence, OSC may take this factor into account together with the contribution made by the member to Council-related work other than attending meetings of the Committee/Sub-Committees.

### **Removal of Members – General Procedure**

11. If the Standards Committee or OSC decides not to condone a member's non-attendance, then the Committee will recommend that the next meeting of the full Council should take such steps as are available to remove that member.

12. Full Council must consider and have regard to the reasons for the Committee's recommendation but full Council can exercise its own discretion in deciding what action to take.

#### **Removal of Members – Standards Committee**

13. In the case of the independent Standards Committee members, full Council has power to act on the recommendation of the Committee by resolving to remove a member for non-attendance forthwith.
14. If it exercises this power full Council must also consider whether it is necessary to advertise for a replacement independent member (or members) having regard to the number of the remaining independent Standards Committee members, their outstanding term of office and any other relevant circumstances.

#### **Removal of Members – Church Representatives**

15. In the case of the Church representatives, the Council may decide to act on a recommendation from OSC by resolving to request the relevant Church Authority to remove the non-attending member and nominate a replacement.
16. The nomination and removal of Church representatives is outside the Council's control and a matter for the Diocesan Board of Education (Church of England) and the Roman Catholic Bishop. The fact that other faith and non-faith representatives do not have a statutory role in education scrutiny is a consequence of the provisions in the Local Government Act 2000.