

REPORT

SUBJECT:	PUBLIC OPEN FORUM & FAMILY ABSENCE GUIDANCE
MEETING:	DEMOCRATIC SERVICES COMMITTEE
DATE:	9th September 2019
DIVISION/WARDS AFFECTED:	N/A

1. PURPOSE:

To receive information at the request of the Chair on the Public Open Forum process at Council meetings, Family Absence rules for elected members and Proxy Voting for Members.

2. RECOMMENDATIONS:

To receive and note the guidance contained in the report.

3. KEY ISSUES:

Public Open Forum Guidance

Council

Members of the public may ask questions of members of the Cabinet at ordinary meetings of the Council. The total time allocated to questions by the public should be limited to 15 minutes.

Questions will be asked in the order that they were received.

Questions must be submitted in writing to the Head of Democratic Services, in writing or by email, no later than midnight seven working days before the day of the meeting. Each question must give the name and address of questioner.

Only one question may be asked by an individual or an organisation at any one meeting of Council.

A question can be rejected if:

- (a) It is not a matter for which the Council have responsibility or affects the County
- (b) Is defamatory, frivolous or offensive
- (c) Is substantially the same as a question that has been asked at Council within the previous 6 months
- (d) Requires the disclosure of confidential or exempt information.

At the meeting, the chair will invite the questioner to put the question to the Councillor, or if unable to attend the meeting the chair may ask the question on their behalf.

Unless the chair decides otherwise, no discussion will take place on a question but any member may move that a matter raised by a question be referred to the Cabinet or appropriate select committee.

[There is a guide on the website here that we have produced for the public to understand how the council works and how to get involved.](#)

Cabinet

There is no process for public speaking at Cabinet and it is at the discretion of the leader whether to allow individuals to participate in the meeting. The meeting is open to the public to attend and view proceedings where an item is not exempt.

Family Absence

Family Absence for Members of Local Authorities (Wales) Regulations 2013

A member may be entitled to family absence for the following reasons;

- Maternity absence for a period of up to 26 weeks
- New born absence (other than mother) for a period of up two weeks
- Adopters Absence – for the adopter of a child for a period of up to two weeks
- New adoption absence – for the partner of an adopter for a period of up to two weeks
- Parental Absence – for a member who becomes responsible for a child, not covered by the reasons above, for a period of up to three months.

Please note that some of the arrangements for Family Absence may be amended by the forthcoming Local Government Bill (Wales) which is due to be introduced in draft form before the end of 2019.

The regulations at the top of this section give details about the eligibility and process for dealing with family absence and are slightly different depending on the type of absence. [A link to the regulations is here for further details.](#)

A member must put in writing the request for family absence to the Head of Democratic Services, detailing the type of absence, start date and other details specific to the type of absence. Any cancellation or early termination of the absence should also be made in writing to the Head of Democratic Services.

Democratic Services Committee may decide to prescribe the circumstances in which a member on family leave may continue to perform some duties (knowledge of a particular issue or urgent local issues for example).

Members who are unavailable due to family absence may be temporarily replaced on a committee at the request of the chair where it is deemed the meeting will be inquorate. Members are still expected to adhere to the members' code of conduct whilst on family leave.

PROXY VOTING

There are currently no provisions within the constitution that allow for members to appoint another member to vote on their behalf in their absence.

With the Monitoring Officer undertaken a review of the constitution shortly, should members wish to consider proxy voting it would be timely to have the discussion and consider how it could be implemented. There are no other examples of proxy voting in local government that I am aware of at this time.

In considering proxy voting arrangements, members should consider the provisions already place within the constitution that allow for members to substituted by their group leader two hours in advance of the meeting, as well as the facility to allow remote attendance at meetings which allow for remote voting.

4. RESOURCE IMPLICATIONS:

Members who are absent from council duties due to approved family absence are still entitled to receive their remuneration as set by the Independent Remuneration Panel for Wales annual report for that council period.

5. EQUALITY IMPLICATIONS:

The Family Absence for Members of Local Authorities (Wales) Regulations 2013 support the arrangements for elected members who have dependents and ensure they are not penalised compared to other members.

6. SAFEGUARDING AND CORPORATE PARENTING IMPLICATIONS

None

7. AUTHOR:

John Pearson, Local Democracy Manager
Email: johnpearson@monmouthshire.gov.uk
Telephone: 01633 644978