

Report of the Director

MEMBERS OF RESERVE FORCES: COUNCILLORS

1 Purpose of report

This report has been prepared to present members with a policy on how the council would deal with an application for leave of absence by a councillor who is a reservist and the process of disclosure by the councillor.

2 Executive summary

A leave of absence was requested by a councillor who was a member of the reserved forces. A need for a policy was highlighted so that the procedure in future was clear. The proposed policy is appended to the report for members' consideration.

3 Appendices

Appendix 1 – Councillor who is a member of the reserve forces policy and procedure note.

4 Proposed action:

The committee is invited to RECOMMEND that the policy and procedure in relation to councillors who are members of the reserve forces be approved and adopted.

5 Background

5.1 This committee was invited to note and approve the absence from all council and committee meetings of a councillor who was called upon for duty as a member of the reserve forces for a period of nine months.

5.2 Section 85 of the Local Government Act 1972, provides that if a member of a local authority fails throughout a period of six consecutive months from the date of his/her last attendance, to attend any meeting of the authority, he/she shall cease to be a member of the authority unless the failure is due to some reason approved by the authority before the expiry of that period.

5.3 If the absence of a councillor is not approved by the authority before the expiry of a six month period then a casual vacancy would arise resulting in the need to hold a by-election.

6 Discussion

- 6.1 The council has a policy in place for employees who are members of the reserve forces. However, since a councillor is not an employee of the council, the statutory arrangements designed for employers do not apply. For example, the council would not qualify for any financial compensation, nor would it be able to appeal against mobilisation. The councillor could, of course, appeal against mobilisation on his/her own behalf. In reality, this is unlikely to happen under 'smart mobilisation' because, in order to be called out for permanent service, the councillor would need to indicate that he/she is willing to be mobilised. However, it could be an issue in the event of a general mobilisation.
- 6.3 The appended policy clarifies the above points and sets out clear implications for an absent councillor.
- 6.4 The council is a signatory to the national Armed Forces Covenant, the principles of which are that there should be no disadvantage as a result of service and special treatment should be available eg in the case of injured personnel, where justified.
- 6.5 The council may adopt a policy that will not disadvantage those reservists who notify the council of their reserve status. On approval the council may agree a councillor's absence to enable them to attend reserve forces training and mobilisation.

7 Legal powers

- 7.1 Section 85 of the Local Government Act 1972 states that, if a member of a local authority fails throughout a period of six consecutive months from the date of his/her last attendance, to attend any meeting of the authority, he/she shall cease to be a member of the authority unless the failure is due to some reason approved by the authority before the expiry of that period.
- 7.2 Ministry of Defence (MOD) regulations in relation to reserve forces.
- 7.3 Defence Relationship Management, who enable organisations to develop a mutually beneficial working relationship with the MOD as well as offering advice and support to those who employ members of the armed forces community.

8 Financial and value for money implications

- 8.1 Any implications for members' allowances will be addressed by the Independent Remuneration Panel and as part of the constitution review.

9 Risk analysis

Nature of Risk	Consequences if realised	Likelihood of occurrence	Control measure
The absence is not approved.	A casual vacancy would arise resulting in the need to hold a by-election.	High	Agree the absence of the councillor for the required period.

10 Implications for resources and stronger and safer communities

The majority of wards are not single member, so fellow ward members may agree to pick up the absent councillor's work load. In the case of a reservist who represents a single member ward the council would need to ensure that constituents knew who to contact in the reservist's absence.

11 Implications for equalities

A screening for an Equality Impact Analysis has been undertaken and the effect against protected characteristics has been identified as neutral.

12 Author and contact officer

Naomi Harewood, Governance Officer.

13 Consultees

Bridget Gamble, Director
Liz Elliott, Managing Director
Julie Thomas, Director
Karen Denton, Principal Corporate Support Manager
Carol Mundy, Democratic Services Officer
Sue Lyons, Monitoring Officer
Gill Chapman, Principal Community Support Manager

14 Background papers

Papers relating to the absence of councillors who are members of reserve forces.

Information and advice supplied by John S Wilson OBE DL Defence Relationship Management.

Councillor who is a member of the Reserve Forces Policy and procedure note

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1. Policy

The Borough Council of Wellingborough (“the council”) supports members of the Reserve Forces and recognises the valuable contribution that reservists make to the UK armed forces and their communities.

2. Purpose and scope

This procedure note sets out the process of how the council would deal with a councillor who is a reservist and the process of disclosure by the councillor. The Reserve Forces include the Royal Naval Reserve, Royal Marines Reserve, Army Reserve and Royal Auxiliary Air Force.

The council will not disadvantage those reservists who notify the council of their reserve status. On approval the council shall agree a councillor’s absence to enable them to attend reserve forces training and mobilisation.

This policy and procedure is relevant only to councillors, as a separate policy and procedure is in place for employees following consultation with trade union and employee representatives.

3. Key definitions

There are two main types of reservist:

- Volunteer Reservists - civilians recruited into the Royal Naval Reserves, Royal Marines Reserves, Army Reserve and Royal Auxiliary Air Force;
- Regular Reservists - ex-regular servicemen who may retain a liability to be mobilised depending on how long they served in the armed forces.

The Reserve Forces Act 1996 also provides for other categories. Those relevant to the council are:

- Full time reserve service - full time service with regular servicemen for a predetermined period in a specific posting;
- Additional duties commitment - part-time service for a specified period in a particular post;
- Sponsored Reserves - These are personnel employed by a contractor to provide a service to the Ministry of Defence (MoD);
- High Readiness Reserves – High Readiness Reserves (HRR) usually with a particular skill set are deployed in support of the Emergency Services and Civil Authorities, responding to terrorist threats & attacks; flooding; outbreaks of disease and industrial action. They are available at short notice (with written agreement from their employer).

Mobilisation - is the process of calling a reservist into full time service with the regular forces, in order to make them available for military operations.

4. Legal powers

Section 85 of the Local Government Act 1972 states that, if a member of a local authority fails throughout a period of six consecutive months from the date of his/her last attendance, to attend any meeting of the authority, he/she shall cease to be a member of the authority unless the failure is due to some reason approved by the authority before the expiry of that period.

5. Reserve status notification

A councillor who is a reservist is required to inform the council post-election, in writing, that they are a member of the Reserve Forces and the specific force that they belong to. This is to assist the political groups with resource planning, during periods of leave e.g. training and/or mobilisation.

Reservists must notify the council of their classification, particularly if they are a high readiness reservist.

6. Considerations

Once notification is received from the councillor that they have been called for mobilisation, a report will be presented to the next available council meeting to approve the absence of the councillor from attendance at council and committee meetings pursuant to Section 85 of the Local Government Act 1972.

The report will identify any risks relevant to the potential absence - An example report is appended.

7. Approval

Once the council has resolved to note and approve the absence from all council and committee meetings of the relevant councillor for the specified period, the council will not seek to declare a councillor's seat vacant during this period. Failure to approve the absence of a councillor before the expiry of a six month period would cause a casual vacancy to arise, resulting in the need to hold a by-election under Section 85 of the Local Government Act 1972.

8. Aftercare

Regardless of the length of the military action, where reasonably practicable the mobilised reservist has the right to continue in their elected role.

A returning reservist will benefit from a smooth re-integration into the council. The following will be considered by the Managing Director and the Leader of the Council as part of this process:

- The need to update on changes and developments in the council.
- The need to offer specific refresher training where it is sought/considered necessary.
- The reservist should meet up with fellow councillors and officers informally before or after returning to their work as a councillor to prevent any feeling of isolation.
- If necessary they should be allowed reasonable time away from civic duties to seek therapeutic treatment if required.

July 2017

APPENDIX A:

BOROUGH COUNCIL OF WELLINGBOROUGH

AGENDA ITEM

Council meeting

Report of Managing Director

ABSENCE FROM COUNCIL AND COMMITTEE MEETINGS - COUNCILLOR XXXX XXXX

1 Purpose of report

This report requests authority to approve and authorise the absence of Councillor XXXX XXXX from attendance at council and committee meetings of the council pursuant to Section 85 of the Local Government Act 1972.

2 Executive summary

The council is asked to approve the absence of Councillor XXXX until XX XXXX 20XX.

3 Appendices

None.

4 Proposed action:

The council is invited to RESOLVE to note and approve the absence from all council and committee meetings of Councillor XXXX XXXX until XX XXXX 201X.

5 Background

Section 85 of the Local Government Act 1972, provides that if a member of a local authority fails throughout a period of six consecutive months from the date of his/her last attendance, to attend any meeting of the authority, he/she shall cease to be a member of the authority unless the failure is due to some reason approved by the authority before the expiry of that period.

6 Discussion

6.1 Councillor XXXX has notified the council that he/she is a XXXX reservist and has been called on a XXXX month tour of duty.

6.2 This report seeks the approval of council to Councillor XXXX absence, for a period of XXXX months, from council and committee meetings until XX XXXX 201X.

7 Legal powers

Section 85 of the Local Government Act 1972.

8 Risk and implications

If Councillor XXXX is absent from all meetings of the authority, and this absence is not approved by the authority before the expiry of a six month period, then a casual vacancy would arise, resulting in the need to hold a by-election.

9 Author and contact officer

Naomi Harewood, Governance Officer

10 Consultees

Senior Management Team
Leader of the Council
Councillors who are Reservists

11 Background papers

Councillor who is a member of the Reserve Forces policy and procedure note
Councillor XXXX application

July 2017

Date for review: July 2019

