

Draft Standing Orders relating Family Absence for Members

1. The Local Government (Wales) Measure 2011 provides members with legal entitlement to periods of family absence. Subordinate legislation requires local authorities to have certain standing orders concerning such periods of family absence.
2. The first such requirement is to have a standing order securing the requirements set out in Regulation 38 of the Family Absence for Members of Local Authorities (Wales) Regulations 2013. That regulation is attached as Appendix A and this standing order secures its requirements.
3. Regulation 39 of the regulations requires a standing order as to the extent of the duties, if any, which remain applicable to members during a period of family absence. For maternity absence or parental absence the duties applicable shall be those determined by either the Council Chair or a panel of members under the preceding standing Order. For all other types of family absence it shall be such duties as the individual member concerned chooses to undertake.

Regulation 38

- (1) A member on maternity absence or parental absence may, subject to paragraphs (2) to (6), -
 - (a) attend particular meetings;
 - (b) attend particular descriptions of meetings;
 - (c) perform particular duties; or
 - (d) perform duties of a particular description.
- (2) The member must obtain the permission of the chair of the local authority, or where a local authority has elected a presiding member, the presiding member, before attending any meeting or performing any duty.
- (3) The chair of the local authority, or where a local authority has elected a presiding member, the presiding member, must inform the leaders of each political group of the local authority before granting permission under paragraph (2).
- (4) A member may complain in writing to the head of democratic services regarding a refusal under paragraph (2).
- (5) The head of democratic services must refer a complaint under paragraph (4) to the chair of the local authority, or where a local authority has elected a presiding member, to the presiding member.
- (6) A panel constituted in accordance with these Regulations must determine a complaint made under paragraph (4).
- (7) The panel may –
 - (a) confirm the decision of the chair of the local authority, or where a local authority has elected a presiding member, the decision of the presiding member, under paragraph (2); or
 - (b) substitute its own decision as to the member attending any meeting or performing any duty.