



## **THE NEWCASTLE CHARTER**

### **Part 7B – Guidance - Right to Time Off Work for Council Duties**

## **Notes:-**

**This section contains guidance and is not a formal part of the Council's Constitution**

## **Statutory Sources**

Employment Rights Act 1996, ss. 50 to 51

Local Government and Housing Act 1989, s. 10

## Part 7B – Guidance - Right to Time Off Work for Council Duties

### Purpose of this Part

1. The purpose of this Part is to outline a Councillor's right to take time off work to carry out Council duties.
2. There are three aspects –
  - 2.1.1. Statutory Rights
  - 2.1.2. Contractual Rights
  - 2.1.3. Statutory restrictions if you are employed by a local authority.
3. You should always seek advice about your own personal circumstances from your Trade Union, a Solicitor or a CAB.

### Statutory Rights

4. An employer must permit an employee who is a member of a local authority to take time off during the employee's working hours for the following purposes –
  - 4.1. attendance at a Council meeting or a committee or sub-committee meeting;
  - 4.2. the doing of any other thing approved by the Council, or anything of a class so approved, for the purpose of the discharge of Council functions or the functions of any committee or sub-committee;
  - 4.3. attendance at meetings of Cabinet or Cabinet committees;
  - 4.4. the doing of any other thing by a Cabinet member for the purposes of the discharge of any executive function.
5. Paragraphs 4.2 and 4.4 are likely to be construed as including all meetings etc. for which you can claim travelling, subsistence and carers' allowances under the Members' Allowances Scheme (Part 6 of the Constitution).
6. The amount of time off and the occasions on which and any conditions subject to which time off may be taken **are those that are reasonable in all the circumstances** having regard, in particular, to –
  - 6.1. how much time off is required for the performance of the duties as a councillor and how much time off is required for the performance of the particular duty;
  - 6.2. how much time off has already been permitted for trade union duties and activities; and
  - 6.3. the circumstances of your employer's business and the effect of your absence on the running of their business.

7. You have a right to present a complaint to an Employment Tribunal if your employer fails to permit you to take time off.
8. The right is only a right to have time off **without pay**.

## **Contractual Rights**

9. Your contract of employment may give you additional rights including the right to take time off **with pay**. You need to check your own contract or seek advice from your personnel officer.
10. As an example, City Council employees are entitled to the following –

### **Public Duties**

You are entitled to reasonable time off to perform public duties as a member of the following:

- local authority
- statutory panel, tribunal or similar body
- Justice of the Peace
- any committee appointed by a government department or local authority
- School's Governing Body
- Probation Board
- Court Board
- Youth Offender Panel

If you are being paid to do the public duties or can claim an allowance (other than travel or subsistence expenses), we will pay you the difference between this and your normal salary.

If you don't receive any money for carrying out the public duties you will receive paid time off

### **Requesting leave for public duties**

Speak to your manager in the first instance. All leave needs to be approved by your manager and must be reasonable in relation to your public duties and your role within the council. Your manager will record all leave details.

## **Statutory restrictions if you are employed by another local authority**

11. If you are employed by another local authority, there is a statutory limit on the amount of paid leave that your employing local authority may allow you to take to perform your duties as a councillor. For these purposes, a “local authority” includes a county council, a district council, a police authority, a fire and civil defence joint authority, and an integrated transport authority. These are the categories most likely to be relevant in Newcastle. For a full list see section 21(1) of the 1989 Act.
12. You may not be allowed more than 208 hours paid leave in any financial year (i.e. 26 days on the basis of an 8-hour working day).
13. This does not give you a right to take 208 hours paid leave. It sets a limit on what your employer may grant. Your contract of employment may in fact mean that you are entitled to less than this.
14. This restriction does not apply if you are the chair of the Council (which includes the mayor or the Lord Mayor but not the elected mayor).