
TO REVIEW APPOINTMENT OF SUBSTITUTES TO ATTEND MEETINGS

To: **Constitutional Review Working Party – 13 March 2014**

By: **Democratic Services & Scrutiny Manager**

Classification: **Unrestricted**

Ward: **N/A**

Summary: **To consider whether a substitute appointed to attend a meeting of a body should be from the same political group as the member of the body who is being substituted**

For Decision

1.0 The Current Situation

- 1.1 Members of the Working Party will recall reviewing the position regarding the size and political composition of the pool of substitute members of the Planning Committee at its meeting on 30 October 2013. The Working Party agreed to recommend that the status quo be retained in relation to the size and political composition of the pool; i.e. that the size and composition continue to mirror exactly those of the committee. That recommendation was endorsed by Standards Committee and adopted by Council on 5 December 2013.
- 1.2 Additionally, the Working Party considered the establishment of a pool of substitutes for the Governance & Audit Committee at its meeting on 21 August 2013 and agreed to recommend that a pool be set up to replicate the size and political proportionality of the committee.
- 1.3 Ultimately, Council resolved, on 3 October 2013, that there be named substitutes, appointed in accordance with the principles of political proportionality.
- 1.4 As the respective pools for the Planning Committee and Governance & Audit Committee are politically balanced, it could be expected that the appointment from the pools of substitutes to attend meetings would also be such so as to maintain political balance at meetings.
- 1.5 Regarding the Council bodies, apart from Planning and Governance & Audit, which are politically balanced under the provisions of the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990, the position is that, with the exception of the Licensing Board, for which no substitutes are permissible, any Member who is not a member of a body can be appointed as substitute to attend a meeting of that body.
- 1.6 In the interests of maintaining political balance as far as possible at meetings of council bodies, whose composition is politically proportional, it is suggested that Members of those bodies appoint as substitutes only Members of the same political group to which they belong.
- 1.7 If Members of the Working Party agree, the relative constitutional provisions:

- (i) Council Procedure Rule No. 5 – Appointment of Substitute members of Committees, Sub-Committees and Working Parties; and
- (ii) In so far as they relate to the Planning Committee - Clause 9.0 of the Protocol for the Guidance of Planning Members and Officers.

could be amended as highlighted at Annexes 1 and 2 respectively.

2.0 How do Members Register a substitute?

- 2.1 Currently any Member may contact Democratic Services and give their apologies for a meeting and give details of a substitute. In addition in accordance with the Council Procedure Rules a substitute can also be appointed anytime up to the start of an item of business.
- 2.2 The Constitutional Review Working Party could use this opportunity to see whether they feel that the rules on who can register a substitute should be amended to allow for either individual substitution or substitution by the group whip. In addition also whether when this act of substitution should occur – by a fixed time deadline in advance of a meeting or anytime up to the start of an item of business as shown in paragraph 5.3 ii) and iii) of annex 1 of this report.

3.0 Corporate Implications

3.1 Financial and VAT

- 3.1.1 None arising

3.2 Legal

- 3.2.1 The Council must observe rules concerning political balance of council bodies, as provided for within the Local Government & Housing Act 1989 and the Local Government (Committees and Political Groups) 1990. The suggested modular council procedural rule 1.2 “Selection of Councillors on Committees and Outside Bodies states that: “At the annual meeting, the council ... will ... (iii) decide the allocation of seats [and substitutes] to political groups in accordance with political balance rules”.

3.3 Corporate

- 3.3.1 None arising

3.4 Equity and Equalities

- 3.4.1 None arising

4.0 Recommendation(s)

- 4.1 That the Working Party recommends to Standards Committee that Council Procedure Rule 5 and Clause 9 of the Protocol for the Guidance of Planning Committee Members and Officers be amended, as indicated at Annexes 1 and 2 respectively.

5.0 Decision Making Process

- 5.1 Recommendations by the Working Party will be submitted to Standards Committee, who, in turn, will make the final recommendation to Council.

Future Meetings

Standards Committee	1 April 2014
Council	24 April 2014

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Reporting to:	<i>Harvey Patterson, Corporate & Regulatory Services Manager and Monitoring Officer, ext 7005</i>

Annex List

Annex 1	CPR 5 – Appointment of Substitute Members of Committees, Sub-Committees and Working Parties
Annex 2	Clause 9, Protocol for the Guidance of Planning Committee Members and Officers, “Membership of Planning Committee and Substitutions

Background Papers

Title	Details of where to access copy
<i>None</i>	

Corporate Consultation Undertaken

Finance	<i>n/a</i>
Legal	<i>Harvey Patterson, Corporate & Regulatory Services Manager and Monitoring Officer Ext 7005</i>