

## **BABERGH DISTRICT COUNCIL**

**FROM:** Director of Corporate Services

**REPORT NUMBER:** **K145**

**TO:** OVERVIEW AND SCRUTINY  
(STEWARDSHIP) COMMITTEE

**DATE OF MEETING:** 16 November 2010

### **APPOINTMENT OF SUBSTITUTES FOR COMMITTEES**

#### **1. PURPOSE OF REPORT**

- 1.1 This report proposes the introduction of a “pool” system of substitutes for Committees to replace the current system of “named” substitutes.

#### **2. RECOMMENDATIONS**

- 2.1 That with effect from the Annual Council to be held in May 2011, the wording in Council Procedure Rule 5 of the Babergh District Council Constitution be replaced with the wording shown in Paragraph 6.4 below.
- 2.2 That with immediate effect an ungrouped Member from a named “pool” of substitutes be permitted to substitute for another ungrouped Member.
- 2.3 That the Director of Corporate Services be authorised to make the necessary amendments to the Constitution.

The Committee is asked to make recommendations to Full Council on the above matters.

#### **3. FINANCIAL IMPLICATIONS**

- 3.1 None.

#### **4. RISK MANAGEMENT**

- 4.1 This report is most closely linked with the Council’s Significant Business Risk No. 4, Political Leadership and Governance. Key risks are set out below:

<b>Risk Description</b>	<b>Likelihood</b>	<b>Seriousness or Impact</b>	<b>Mitigation Measures</b>
Committee not Quorate	Very low	Critical	Suggested system will provide more flexibility

#### **5. EQUALITY AND DIVERSITY IMPACT**

- 5.1 There are no Equality and Diversity implications.

## 6. **KEY INFORMATION**

- 6.1 Under the provisions of the Local Government and Housing Act 1989 where a local authority is grouped for political composition purposes, the Authority is required to make arrangements to ensure that its Committees share the same political balance as the full Council. (There is only one exception to this that applies in the case of the Standards Committee).
- 6.2 Following a request to consider the introduction of a different substitute system the Constitution Review Task Group were asked to investigate the introduction of a "pool" system of substitutes rather than the present system (Council Procedure Rule 5) where named substitutes for Members are provided.
- 6.3 The Task Group agreed to recommend the implementation of a pool system of named substitutes, for each Political Group, on each standing Committee from which a substitute could be called from. For example if one of the Conservative Members serving on the Development Committee could not attend the meeting they could nominate a Conservative Member from an agreed pool of substitutes for that Committee to act as their substitute.
- 6.4 The suggested new Procedure Rule 5 is as follows:

## 5. **APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES AND SUB-COMMITTEES**

### 5.1 **Allocation**

As well as allocating seats on Committees and Sub-Committees, the Council will allocate seats in the same manner for substitute Members.

### 5.2 **Number**

For each Committee or Sub-Committee (but not Standards Committee or Licensing and Appeals Committee), a pool of named substitutes will be approved comprising an equivalent number of Members who serve on the particular Committee eg. Development Committee has 15 Members and so up to 15 named substitutes will be approved.

The pool of substitutes will reflect the same political balance as the Committee.

### 5.3 **Powers and duties**

Substitute Members will have all the powers and duties of any ordinary Member of the Committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting.

### 5.4 **Substitution**

A Member of a Committee who is unable to attend a meeting of the Committee may nominate a substitute from the pool for that Committee to attend the meeting in his/her place.

Substitute Members may attend meetings in that capacity only:

- (a) to take the place of the ordinary Member from the same group
- (b) where the ordinary member will be absent for the whole of the meeting; and
- (c) after the Director of Corporate Services has been notified by 9 a.m. on the day of the meeting of the intended substitution.

5.5 Members of Strategy Committee cannot be substitute Members for Overview and Scrutiny Committees, or vice versa.

5.6 No Member may be involved in scrutinising a decision in which he or she has been directly involved. Members acting as substitute Members on either of the two Overview and Scrutiny Committees should not take part in any business being considered by the Overview and Scrutiny Committee in circumstances where the substitute Member has been directly involved in determining the issue under scrutiny.

5.7 Substitutes for Development Committee must undertake training before participating in any meeting to the same extent required of a Member of the Committee.

6.5 It is suggested that the new system be introduced with effect from the Annual Council in May 2011, following the District Council elections.

6.6 In addition, it is apparent that the Council currently has no provision to allow an ungrouped Member to substitute for another ungrouped Member. To overcome this anomaly, it is recommended that the Constitution be revised with immediate effect to allow ungrouped Members to substitute for each other from a named pool, which would presently be 2 Members.

6.7 Immediate amendments to the Constitution to reflect this scenario will be necessary. These amendments will then also be encompassed in the wording referred to in Paragraph 6.4 which takes effect from May 2011.

## 7. **APPENDICES**

None.

## 8. **BACKGROUND PAPERS REFERRED TO:**

None.

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