

---

MEETING:	<b>THE COUNCIL</b>
DATE:	<b>21 JANUARY 2010</b>
TITLE OF THE REPORT	<b>APPOINTING SUBSTITUTES FOR COMMITTEES</b>
PURPOSE OF THE REPORT:	<b>TO PROVIDE INFORMATION AND GUIDANCE FOR THE NOTICE OF MOTION</b>
AUTHOR:	<b>DILYS A PHILLIPS, HEAD OF DEMOCRACY AND LEGAL</b>

---

## **INTRODUCTION**

1. Councillor Owain Williams' notice of motion asks the Council to amend the Constitution in order to permit a Political Group to appoint a delegate to attend a Committee in the absence of a member who cannot attend due to special circumstances. The essence of such a procedure is that the core membership would continue, but that the substitute would replace the established member for the specific meeting only.
2. Fundamentally, in principle, there is no legal objection to a substitute system for Committee members. However, there are practical, constitutional and legal issues that need to be considered. There is a need to weigh up the need for such a procedure and also how exactly the system could be implemented.

## **SUBSTITUTION PROCEDURE**

3. Should the Council be in favour of permitting substitutes, I would suggest that the following principles are relevant to the establishing of such a procedure:  
  
Practicality, Transparency, Propriety and Certainty
4. Two models can be considered for the implementation of such a procedure:
  - (a) A procedure where the Political Group appoints a substitute, should the need arise, by notifying the Proper Officer within a specific period of time e.g. no later than the date of publishing the Agenda (this would ensure that the Agenda is sent to relevant members and provides clarity for the public on Committee membership).
  - (b) A procedure where substitutes are appointed at the same time as the Committee is appointed at the beginning of the year. Again, the Proper Officer would need to be notified of the intention to substitute before hand in the same manner.
5. The advantage of procedure (a) is the flexibility it offers. It is not dependant upon specific members being available. Within legal constraints, any available member can be prepared to attend Committees on behalf of a Political Group. The disadvantages involve the informality of the procedure. There are risks involved with permitting substitutes in such an *ad-hoc* way, with increasing emphasis being placed on developing members' expertise for roles along with the

requirement in many a Committee for knowledge and training within their fields This may become more apparent when considering which Committees would be suitable for such a procedure. Procedure (b) offers a more clear and precise way of substitution. By identifying substitutes when establishing the Committee, the membership is clear and open from the beginning. Should specific training or knowledge be needed for the Committee's work, the substitutes can be included in the relevant programme. Those members who are substitutes would be more likely to familiarize themselves with the work of the Committee for which they substitute.

## **CONSTITUTIONAL**

6. Should the Council adopt either of the models, there are constitutional implications that need consideration. These are relevant to all Committees. For example, should the Chair of a Committee fail to attend and a substitute takes his/her place, according to the Constitution as it currently stands, the Chair would be taken by the Vice-chair appointed by the Committee. Similarly, a substitute procedure cannot permit membership of the Committee if that member is the subject of a legal constraint due to another role or the political balance requirement.
7. Additionally, in terms of the range of Council Committees along with the requirements of specific knowledge of their remit, consideration should be given to how exactly a sufficient number of substitutes could be secured. There is a risk involved with the substitution procedure, that all that can practically be possible is to ensure attendance at a Committee. The ability of a specific member to contribute effectively is dependant upon who is the Substitute of that Committee at the time. This increases when a Committee has specialist roles and decision making rights such as the Licensing Committees and the Appeals Committee.

## **SUBSTITUTES FOR SPECIFIC COMMITTEES**

### **8. Council Board**

The representative role and the specific accountability of Board members mean that in my opinion, it would not be appropriate to permit substitutes. It could create uncertainty regarding roles along with contact with the Services for that particular portfolio. It is a function that requires knowledge of the portfolio. Of course, a substitute member could not be subject to a legal constraint due to membership of another Committee or another role.

### **9. Scrutiny Committees**

There is a need to consider how a substitute would familiarise themselves with the Committee's work programme and receive relevant training.

### **10. Area Committees**

The Area Committee membership is statutory and no member from another area can serve on the Committee.

### **11. Audit Committee / Complaints Committee**

There is a need to consider how a substitute would become familiar with the Committee's work programme and receive relevant training.

### **12. Central Planning Committee**

There would be a need to ensure that the constraints on an Area Committee member to participate in the discussions in either Committee would be implemented.

13. **Central Licensing Committee, Employment Appeals Committee, Pensions Committee, etc.**

In many specific specialist Committees, as with the Scrutiny Committees, there is a need to consider how a substitute would become familiar with the Committee's work programme and receive relevant training. In favour of the substitute procedure, it could also reduce the difficulties of securing a quorum in these smaller Committees.

**CONCLUSION**

14. If long periods of absence such as long term sickness is the concern here, it is possible to overcome this within existing rules by the group providing a formal notice that its representation on a specific committee is changing. However, should the Council adopt a substitute procedure, we would propose that the matter be referred to the Principal Scrutiny Committee to consider the best method of implementation and how to respond to the abovementioned issues.