

Council

27 January 2021

Report of Director of Director of Corporate and Customer Services & Monitoring Officer

AMENDMENT TO THE CONSTITUTION – RULES OF SUBSTITUTION

PURPOSE OF REPORT

To propose a recommendation from the Constitution Working Group to amend the rules in respect of substitute Members for meetings of the Council's policy committees.

RECOMMENDATION

1. That Council Procedure Rule 3.3 in respect of Substitute Members on Committees be amended, as per the wording set out in paragraph 2.3, to permit the notification of substitute Members on policy committees up to 4.00pm on the day of the meeting of such committees.

WARDS AFFECTED

District-wide

STRATEGIC LINK

Strengthening the Council's Constitution and enabling maximum participation by councillors serves to improve the democratic governance of the authority, which underpins the strategic priorities of the Council. The proposed recommendation serves to ensure that there are fewer obstacles to facilitate full representation of the political groups at the Council's policy committees.

1 BACKGROUND

- 1.1 The current rules of substitute Members were introduced in January 2020 and apply to all of the Council's committees. Under the current rules, substitute Members, appointed as such by the Council, may attend meetings in that capacity only to take the place of an "ordinary" Member for whom they are the designated substitute.
- 1.2 The revision in January 2020 introduced a requirement for the Director of Corporate and Customer Services to be notified of the name of an absent councillor and the name of the intended substitute councillor by no later than 12noon two working days prior to the day of the meeting.
- 1.3 The substitute scheme previously allowed for each Group to nominate substitutes to mirror the number of ordinary members. This number was considered to be too high

in terms of keeping members up to date and the number was reduced to 50% of a group's seat entitlement in the changes made in January 2020.

2 REPORT

- 2.1 The Constitution Working Group met on 16 December 2021 and considered a wide-ranging discussion paper to elicit priorities for detailed work to improve the Council's Constitution. During the course of that discussion, it was proposed that the Council should return to the previous provisions for the notification of Substitute Members for the policy committees only. It was recognised that there would be a risk if such a provision applied to Planning Committee and it was also noted that substitute Members were not permitted by law for the Licensing and Appeals Committee.
- 2.2 The proposal to return to the previous provisions was supported by all of the political groups represented on the Constitution Working Group. The Monitoring Officer was asked to submit a report to the next Council meeting to enable the proposed changes to be considered.
- 2.3 It is therefore recommended that Council Procedure Rule 3.3 read:

Substitution

The rules of substitute Members apply to the Council's committees, other than the Licensing and Appeal Committee. Substitutes may attend meetings, to which this rule applies, in that capacity only:

- a) To take the place of the ordinary Councillor for whom they are the designated substitute;
- b) After notifying the Director of Corporate and Customer Services,
 - (i) In the case of a Policy Committee, by no later than 4.00pm on the day of the meeting, the name of the absent Councillor and the name of the intended Substitute Councillor
 - (ii) In the case of Planning Committee, by 12noon, two working days prior to the day of the meeting, the name of the absent Councillor and the name of the intended Substitute Councillor
- c) Absence and substitution shall be the whole duration of the whole meeting

3 RISK ASSESSMENT

Legal

- 3.1 The proposed changes were previously in force prior to January 2020 and were effective in ensuring maximum representation by political groups at committees in the event of absence of a committee member. The recommendation is consistent with the provisions of law in respect of local authority meetings. The legal risk is therefore considered low.

Financial

3.2 There are no financial implications arising from this proposal and the risk is considered low.

4 OTHER CONSIDERATIONS

4.1 In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

5 CONTACT INFORMATION

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6 BACKGROUND PAPERS

6.1 Constitution of the Council

6.2 Report to Council – 16 January 2020 – Changes to Constitution