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**Full Council**

**21 October 2021**

Report of the Monitoring Officer

## **Amendment to the Council's Constitution**

### **Summary**

Upon the recommendation of the Audit & Governance Committee, Full Council is invited to approve an amendment to the Constitution in so far as it relates to the use of substitutes at meetings of the Council's Planning Committee.

### **Background**

In October 2020, Full Council approved a number of amendments to the Council's Constitution upon the recommendation of Audit and Governance Committee from 20<sup>th</sup> March 2020.

One of these amendments was to place a restriction on the number of Members who could act as substitutes on the Planning Committee as follows:

*6.5.1 (a) For the Planning Committee up to four named substitutes shall be allowed for each of the political Groups. For other Member Bodies up to three named substitutes shall be allowed for each political Group. Independent Councillors may also be appointed to act as named substitutes for other Independent Councillors within this rule.*

*6.5.1 (c) (i) "Where no named substitute is available a political group may instruct the Chief Operating Officer or the Monitoring Officer to replace for the duration of a particular meeting, an existing Member with another substitute identified by the political group **provided always that this provision 6.5.1 (c) (i) will not apply to Planning, Licensing and Regulatory or Joint Standards Committees or any sub committees thereof**".*

The wording above which appears in bold type is the amendment to the Constitution approved by Full Council in October 2020.

The direct implications of the Coronavirus Pandemic due to Councillor illness, the need to isolate and or caring responsibilities have resulted in a number of Members of the Planning Committee being unable to attend. This inability to attend has adversely affected the quoracy of the Planning Committee meetings and the restrictions placed on the number of substitutes by the October 2020 amendment has served to add further complications for the meetings to be held with full quoracy.

At its meeting on 8<sup>th</sup> September 2021, the Audit & Governance Committee unanimously approved to recommend the deletion to the reference to “Planning” in paragraph 6.5.1.(c) (i) as highlighted above. This deletion would serve to lift the restrictions on the use of substitutes and therefore the only restriction being in place would be that any appointed substitute would have to have received planning training.

## **Recommendations**

Full Council is invited to approve the amendment of the Council’s constitution as follows:

Section 4: Rules of Procedure; 4B Standing Orders relating to Executive, the York Health and Wellbeing Board, Policy and Scrutiny committees and other Non-executive Committees and Sub-Committees and Groups Specified in the Council’s Constitution

Paragraph 6.5.1 (c) (i) shall be amended to read as follows:

“Where no named substitute is available a political group may instruct the Chief Operating Officer or the Monitoring Officer to replace for the duration of a particular meeting, an existing Member with another substitute identified by the political group provided always that this provision 6.5.1 (c) (i) will not apply to Licensing and Regulatory or Joint Standards Committees or any sub committees thereof”.

## **Reasons for the Recommendation**

This amendment will allow the Planning Committee to operate at full quoracy. The quoracy of the Planning Committee has been challenging due to the restriction on the number of substitutes and the unforeseen implications of the wider Coronavirus Pandemic.

## **Options**

The Council has the option to disregard the amendment in which case the restrictions to the number of substitutes for the Planning Committee will remain in place and there is a risk that some of the meetings may not be operated at the maximum quoracy of Members.

## Implications

### Financial

There are none directly arising from this report.

### Human Resources (HR)

There are none directly arising from this report.

### Equalities

There are none directly arising from this report.

### Legal

The council is required to have a constitution setting out its governance framework for decision-making. The constitution is a public document. Amendments to the constitution are reserved to Full Council for approval. Any Member either appointed to sit on the Planning Committee or appointed as a substitute Member of the Planning Committee must first receive appropriate training prior to them attending the meeting.

### Crime and Disorder, Information Technology and Property

There are none directly arising from this report

### Author & Chief Officer responsible for the report:

Janie Berry

Director of Governance &  
Monitoring Officer

Report  
Approved

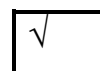


Date 13/09/2021

### Specialist Implications Officer(s):

Wards Affected: *List wards or tick box to indicate all*

All



For further information please contact the author of the report

## **Background Papers:**

The Council's Constitution

Agenda and Minutes of the Audit & Governance Committee held on 8<sup>th</sup> September 2021:

<https://democracy.york.gov.uk/ieListDocuments.aspx?CId=437&MId=13015&Ver=4>