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## **Audit and Governance Committee**

29<sup>th</sup> June 2011

Report of the Assistant Director of CBSS (Governance and ICT)

### **Alterations to the Substitutes arrangements for Committee meetings**

#### **Summary**

1. This report asks for Members views on constitutional changes in relation to the use of substitutes for Committee meetings.

#### **Background**

2. Places on Council Committees are allocated according to political balance requirements set out in the law. In general terms these require the majority party to have most seats on each Committee and other political groups and independent members to have seats allocated so far as possible in line with the proportion of seats that the group (or independent members as a whole) have on the Council. Once the numbers of seats have been determined it is the Council's duty to appoint individuals to those Committees in accordance with the instructions of the political group.
3. Many local authorities operate substitute arrangements to allow political balance to be maintained when a member of a Committee is unable to attend either for personal reasons or because they have a conflict of interest relating to an agenda item. In York the traditional system has been to have named substitutes appointed by Council in accordance with the wishes of each group. However there have been occasions when none of the named substitutes has been available to attend a meeting.
4. In order to deal with this problem Council agreed at the Annual Meeting that there should be a fall back arrangement which was described in this way in the Council report:

“In the first instance Members who need a substitute must, as now, approach a named substitute appointed by Council. The current rules require members to approach the first named substitute and only if that person is not available can they approach the second and so on. These rules will continue. If, however, no named substitute is available the Chief Executive and the Monitoring Officer will be authorised to make change to the membership of the Committee by appointing

another member of the group as substitute for a specific meeting. That appointment will be made in accordance with an instruction of the relevant political group.”

5. Council authorised me as Monitoring Officer to make the necessary constitutional changes subject to the views of the Audit and Governance Committee being sought.
6. The precise Constitutional change which I propose to make is to paragraph 6.5 of Part 4b of the Constitution which deals with Standing Orders for Committees. This would involve adding a paragraph (c)(i) reading:

“Where no named substitute is available a political group may instruct the Chief Executive and/ or the Monitoring Officer to replace, for the duration of a particular meeting, an existing Member with another substitute identified by the political group.”

7. The Council does require members of certain Committees to attend training – Planning Committee being an example. A substitute would be expected to comply with any such requirement.

### **Corporate Priorities**

8. This report contributes the achievement of all the Council’s priorities, and in particular the Effective Organisation theme of the Corporate Strategy.

### **Implications**

9. The most significant implications of this report are legal and these are detailed within the report.

### **Recommendations**

10. Members are asked to confirm whether they are content for the proposed constitutional amendment to be made.

### Reason

*To enable progress to be made to implement the resolution of Council.*

## Contact Details

### Author and Chief Officer Responsible for the report:

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Report Approved



Date 04.04.11

### Specialist Implications Officers

Not applicable

Wards Affected: Not applicable

All

For further information please contact the author of the report

### Background Papers:

None