



PART B:	RECOMMENDATIONS TO COUNCIL
REPORT TO:	CONSTITUTION WORKING PARTY
DATE:	22 JULY 2019
REPORT OF THE:	DEMOCRATIC SERVICES MANAGER SIMON COPLEY
TITLE OF REPORT:	SUBSTITUTES AT SUB-COMMITTEES
WARDS AFFECTED:	ALL

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

- 1.1 To recommend changes to the Constitution to make explicit provision for substitutes at the Corporate Governance Standards Sub-Committee specifically and at sub-committees generally.

2.0 RECOMMENDATION(S)

- 2.1 That Council be recommended, through Policy and Resources Committee, to approve the changes set out in Appendix 1 of this report to make explicit provision for substitutes at the Corporate Governance Standards Sub-Committee specifically and at sub-committees generally.

3.0 REASON FOR RECOMMENDATION(S)

- 3.1 The Overview and Scrutiny Committee has requested that the Constitution be reviewed to make explicit provision for substitutes at the Corporate Governance Standards Sub-Committee.
- 3.2 When agreeing its work programme, the Constitution Working Party agreed to also look at explicit provision for substitutes at sub-committees generally.

4.0 SIGNIFICANT RISKS

- 4.1 There are no significant risks associated with this report. Clarity of arrangements for substitutes at sub-committees assists with ensuring that meetings can go ahead and business be dealt with in a timely manner when Members are unable to attend or have a conflict of interest in participating.

5.0 POLICY CONTEXT AND CONSULTATION

5.1 The context in which these proposals are made is covered in section 3 of this report.

REPORT

6.0 REPORT DETAILS

6.1 The terms of reference in Part 3 of the Constitution set out the composition of the Corporate Governance Standards Sub-Committee as follows:

- (i) *The Corporate Governance Standards Sub-Committee shall comprise three Members of the Overview and Scrutiny Committee.*
- (ii) *Political proportionality is not applied for the Corporate Governance Standards Sub-Committee.*

6.2 Whilst this does not prevent the appointment of substitutes, it makes no explicit provision for their appointment.

6.3 It is therefore proposed that point (i) above is amended to add the wording, “*with up to three named substitutes.*” As political proportionality does not apply, any substitute could cover for any member of the sub-committee.

6.4 The Committee Procedure Rules in Part 4 of the Constitution make the following provisions for the appointment of sub-committees:

25B. **SUB-COMMITTEES**

- (i) *Every standing committee appointed may appoint sub-committees for purposes to be specified by that committee.*
- (ii) *The Chairman of a standing committee shall be an ex officio member of every sub-committee appointed by that standing committee and shall be ex officio chairman of such sub-committee.*
- (iii) *If the chairman of a sub-committee is absent from a meeting of the sub-committee another member of the sub-committee chosen by the members of the sub-committee present shall preside.*
- (iv) *With the exception of the Licensing Committee, a standing committee may appoint members who do not serve on that standing committee to serve on a sub-committee.*

6.5 Similarly this does not prevent the appointment of substitutes, nor does it make explicit provision for their appointment.

6.6 It is proposed that a point (v) is added to this procedure rule, to read, “*Substitutes may be appointed to sub-committees, subject to any relevant training requirements being fulfilled.*”

6.7 The Committee Procedure Rules set out the following provisions with regards to substitutes:

28. **SUBSTITUTE MEMBERS OF COMMITTEES**

28.1 **Number**

For each Committee where substitution is applicable, the maximum number of substitutes in respect of each Political Group at any meeting shall be 50% of that Group's membership on the relevant Committee, rounded up if necessary, subject to a minimum of two.

28.2 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 for whom they are substituting. Substitute Members shall abide by any voting restrictions which would have applied to the Member for whom they are substituting.

28.3 Substitution

Substitute Members may attend meetings in that capacity only:

- (i) to take the place of the ordinary Member for whom they are the designated substitute;*
- (ii) where the ordinary Member will be absent for the whole of the meeting; and*
- (iii) after notifying the Proper Officer by 12 noon on the day of the meeting of the intended substitution.*

28.4 Overview and Scrutiny Committee

Substitution shall not apply to the Overview and Scrutiny Committee.

28.5 *Where a Member of Overview and Scrutiny Committee has acted as a named substitute at any Policy Committee they may not subsequently scrutinise any decision in which they have been involved.*

28.6 Licensing Committee and Licensing Sub-Committee

Substitution shall not apply to the Licensing Committee and Licensing Sub-Committee.

6.8 These provisions make no reference to sub-committees.

6.9 It is proposed that the title of this procedure rule is changed to be, "*Substitute Members of Committees and Sub-Committees*", and that the references to "*committee*" in 28.1 and 28.2 be changed to "*committee or sub-committee*".

6.10 Appendix 1 of this report summarises all of the proposed changes, with additional wording shown in italics.

7.0 IMPLICATIONS

7.1 The following implications have been identified:
a) Financial
None.

- b) Legal
None.

- c) Other (Equalities, Staffing, Planning, Health & Safety, Environmental and Climate Change, Crime & Disorder)
None.

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Background Papers:
The Constitution.

Background Papers are available for inspection at:
www.ryedale.gov.uk