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## **SUBSTITUTES**

### **1 SUMMARY**

- 1.1 This report invites the Sub-Committee to consider the current arrangements for appointing substitutes to Committees and Sub-Committees.
- 1.2 There is no statutory requirement either to appoint substitutes or to carry out a review of the Council's scheme at this time.

### **2 INTRODUCTION**

- 2.1 When considering changes to the administration of meetings last year, Members asked that this Sub-Committee give consideration to the Council's arrangements for the appointment of substitutes at Committees and Sub-Committees.

### **3 SUBSTITUTES**

- 3.1 In common with most other Councils, this Authority appoints substitutes to serve on Committees and Sub-Committees at the annual meeting of the Council. These appointments are made in accordance with the provisions of Standing Order 12 (13), which requires a list of substitutes to be prepared for each Committee or Sub-Committee. The list should be set out in order of precedence as to who will be the substitute(s) for each political group. In addition, the Chairman of the Committee or Sub-Committee at which a substitution will be made must be informed prior to the meeting of the name of the substitute attending. The list of substitutes may be updated on notification to the Chief Executive prior to any meeting. Substitutes are currently appointed for all Committees and Sub-Committees except for the Planning Services Committee, which comprises all 40 members of the Council in any event, and the Appeals Panel. Substitutes are not permitted at meetings of Working Groups.
- 3.2 The principal argument in favour of substitutes is that they enable the political balance on a Committee or Sub-Committee to be maintained in the event that an individual Member is unable to attend a meeting for some reason. The main arguments against the use of substitutes are that Members who do not know what has been discussed at past meetings turn up and raise issues that have already been dealt with. Further, the public doesn't know whom to lobby in advance of a meeting if the membership is in a state of apparent "flux". Indeed, it was in recognition of these counter arguments that the Council recently agreed not to appoint substitutes to Working Groups.

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- 3.3 Just as there are mixed views about the benefits of substitutes, so there are also differing opinions on how substitutes should be appointed. This arises from differing interpretation of the legislation by some Councils. Instead of the list system operated by this Council, some authorities take the view that substitutes must be appointed by the Council (or sometimes through notification to the proper officer) on a paired basis with a single, permanent member of a Committee or Sub-Committee. The obvious drawback of this scheme is that if neither the member nor his/her substitute is available, a Group may be under represented at a meeting. The benefit of the arrangement is that it is clear to all concerned who the substitute attending the meeting will be.

#### **4 PROBLEMS WITH THE CURRENT ARRANGEMENTS**

- 4.1 Some concern was expressed during the last municipal year that substitutes were not informing the chairman of a meeting in advance that they would be attending (as required by standing order 12 (13)(b)). On occasion, Members not included on the list of names submitted to the Chief Executive attended meetings as substitutes. These are both matters of detail rather than a flaw in the current arrangements.

#### **5 LEGAL IMPLICATIONS**

- 5.1 The power to appoint members of committees and sub-committees is contained in the Local Government Act 1972, the Local Government and Housing Act 1989 and regulations made under these acts.

#### **9 RECOMMENDATION**

- 9.1 It is proposed that the Sub-Committee considers the current arrangements for substitutes to Committees and Sub-Committees and **RECOMMENDS** if there should be any changes made. (HAMS)

Andrew Smith

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#### **Background Papers:**

None

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