

Report of City Solicitor

Report to Full Council

Date: 11th January 2017

Subject: Substitution Arrangements for Council Committees

Are specific electoral wards affected? If yes, name(s) of ward(s):	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the decision eligible for call-in?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, access to information procedure rule number: Appendix number:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Summary of main issues

1. The substitution arrangements for Council Committees are set out in the Council Procedure Rules.
2. Following consideration by General Purposes Committee, the General Purposes Committee recommends amendments to those arrangements to provide greater flexibility within the substitution arrangements for Plans Panels to enable full engagement in the work of Council Committees by the minority groups.
3. General Purposes Committee also recommends the provision of substitution arrangements for the Housing Advisory Board.

Recommendations

1. General Purposes Committee recommend that Full Council approve the amendments to the Council Procedure Rules set out at Appendix A to this report.

1. Purpose of this report

- 1.1 This report recommends amendments to the Council Procedure Rules to allow greater flexibility around the appointment of substitutes to Plans Panels.
- 1.2 The report also recommends provision for substitution for the Council's Housing Advisory Board.

2. Background information

- 2.1 The Council appoints a number of committees with delegated authority to fulfil its roles and functions. In appointing these committees Council sets out the relevant Terms of Reference and determines the membership of each committee.
- 2.2 Rule 25 of the Council Procedure Rules sets out which of the rules apply to Council Committees. Rule 26 makes provision in respect of substitution arrangements.
- 2.3 At its meeting on the 5th December 2016, General Purposes Committee considered proposals from the City Solicitor concerning amendments to Rule 26 in relation to Plans Panels and Housing Advisory Board.

3. Main issues

Plans Panels

- 3.1 Existing arrangements set out in the Council Procedure Rules allow for substitution to plans panels by Members appointed to any of the Council's regulatory committees. General Purposes Committee considered feedback from Whips which has highlighted that this arrangement causes difficulty for some groups who have fewer seats on those regulatory committees and therefore have a small pool of members to draw from.
- 3.2 Having considered this matter General Purposes Committee recommends that an extension to the current rules is made to enable, in addition to the current provisions, any Member who has received appropriate training, to also sit as a substitute member.
- 3.3 Attendance as a substitute at Plans Panel will remain contingent upon having received up to date training appropriate to the role. Substitutes will be bound by the Planning Code of Good Practice and other relevant policies and procedures whilst acting as a voting member of the Plans Panel.

Housing Advisory Board

- 3.4 General Purposes Committee also considered the absence of prescribed substitution arrangements for Housing Advisory Board. The current distribution of seats to elected Members on the board is 4 Labour, 1 Conservative and 1 Liberal Democrat, in the event of either the Conservative or Liberal Democrat Member being unable to attend their group is left without representation on the Board.
- 3.5 To address this General Purposes Committee therefore recommends the introduction of substitution arrangements for the Housing Advisory Board, allowing each Whip to nominate one substitute for each Member on the Board.

4. Corporate considerations

4.1 Consultation and engagement

4.1.1 The recommendations in this report follow consideration by the General Purposes Committee and feedback received from Whips.

4.2 Equality and diversity / cohesion and integration

4.2.1 There are no implications for this report.

4.3 Council policies and best council plan

4.3.1 There are no implications for this report.

4.4 Resources and value for money

4.4.1 There are no implications for this report.

4.5 Legal implications, access to information, and call-in

4.5.1 Section 101 Local Government Act 1972 provides for a local authority to arrange for the discharge of its functions by a committee. The authority appoints its committees at its Annual meeting based on political proportionality in accordance with the requirements of Section 15 Local Government and Housing Act 1989.

4.5.2 As a decision in relation to a Council function, this decision will not be eligible for Call In.

4.6 Risk management

4.6.1 This report seeks to address the risk that smaller groups within the Council may lose representation on Council Committees under the operation of existing substitution arrangements where the pool of members on whom they may call is too small, or where no arrangements exist.

5. Recommendations

5.1 General Purposes Committee recommend that Full Council approve the amendments to the Council Procedure Rules set out at Appendix A to this report.

6. Background documents¹

6.1 None

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.